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Cape of Good Hope

Parliament

Legislative Council

Select Committee on Stock Thefts

Report



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REPORT

OF THE

SELECT COMMITTEE

ON

STOCK THEFTS.

Printed by Order of the Legislative Council.

MAY, 1905.

CAPE TOWN.

CAPE TIMES LIMITED, KEEROM STREET

1905.

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MAY, 1905.

CAPE TOWN :

CAPE TIMES LIMITED, KEEROM STREET

1905.

ORDER APPOINTING COMMITTEE.

11th April, 1905.

ORDERED :—That a Select Committee be appointed to enquire into the prevailing and growing evil of Stock Thefts in the Colony, and to report as to the best means of preventing the same, such Committee to have power to take evidence and call for papers ; the Committee to consist of Messrs. Wilmot, Pretorius, Rogers, Pyott, Claassens, Hurndall, and Michau (Mover) ; three to form a quorum.

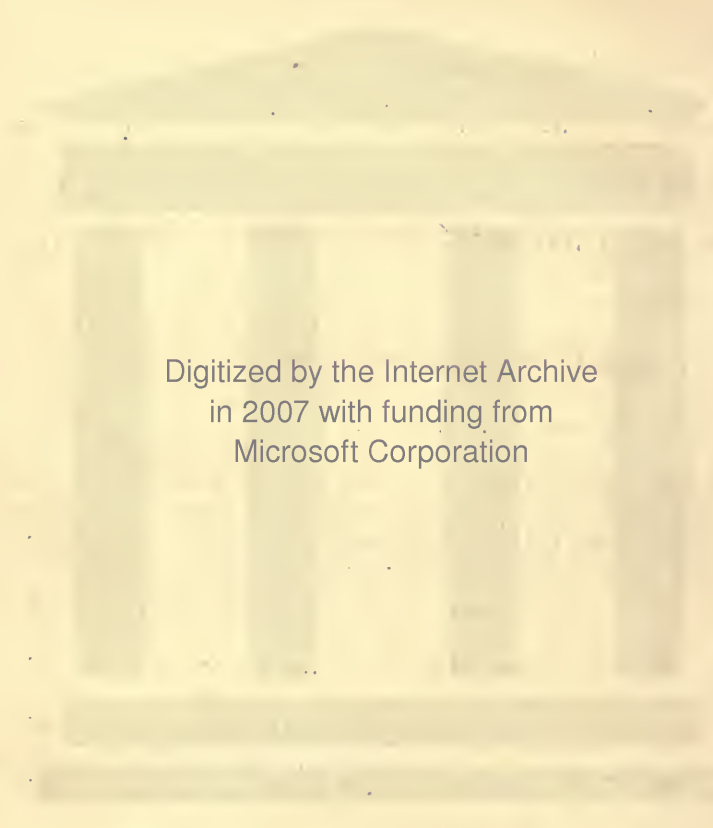
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REPORT

OF THE

SELECT COMMITTEE, appointed by Order of the Legislative Council, dated the 11th April, 1905, to enquire into the prevailing and growing evil of Stock Thefts in the Colony, and to report as to the best means of preventing the same, such Committee to have power to take evidence and call for papers; the Committee to consist of Messrs. WILMOT, PRETORIUS, ROGERS, PYOTT, CLAASSENS, HURNDALL, and MICHAU (Mover).

1. Your Committee have examined a number of witnesses, including farmers, officers of police, and magistrates. The consensus of opinion is that on the whole Stock Thefts have not decreased, and that it is necessary in order that they may decrease to improve the administration of the law by inflicting more severe sentences. As regards specifically what description of punishment should be accorded, the witnesses all agree that deportation from the Colony in the case of old offenders is really required. One of the means by which stock thieving is carried on with comparative impunity is the fact that Municipal locations are not under adequate supervision. The witnesses say that these should be well enclosed and placed under the supervision of the Cape Police. The evidence supplied to your Committee is of a very practical character, and they call special attention to it.

2. It is desirable to refer to a report of a Committee of the House of Assembly in 1892, when special recommendations were made. They say:—

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- (1) "Your Committee have obtained a return of convictions and sentences in the Higher Courts, and have been struck with their small number and the lightness and inequality of the sentences in these presumably grave cases. Your Committee are of opinion that generally sentences for Stock Thefts should be far more severe, and believe would be so were the Judges aware of the gravity of the evil."
 - (2) This Committee were also of opinion "that stock thieves should be stationed as far as possible from their homes, and that transportation beyond the seas would have a very desirable effect."
 - (3) This Committee was further of opinion that the Cape Police force should be strengthened by the addition of 100 picked men, with detectives.
 - (4) Also they state: "The Committee regret to learn from the evidence of Mr. Commissioner Davies that the provisions of the Native Locations Acts, with regard to the registration therein of stocks and their marks, are not generally carried out; and while approving of Section 14 of the Native Locations Bill of 1892, would advise that more care should be taken that the provisions of the law shall really be carried into effect, and consider that it would be advisable to have this done by the Police."
 - (5) Further, they say: "Commissioner Davies has recommended that printed forms, with counterfoils, should be furnished at a cheap rate to farmers, to be compulsorily used, as authorising the removal of stock. These, when issued to natives holding the certificates alluded to under the previous

section, could refer to those certificates by number and could serve until substitutes were given by officers appointed to issue stamped forms of the same nature. Your Committee would recommend that the operation of the Cattle Removal Act be extended throughout the Colony. But your Committee are convinced that neither the Cattle Removal Act, nor any Pass Acts, can be duly effective unless farmers can be induced or compelled to aid actively in carrying them out, by being convinced of the necessity by law, or by the effect of local organisation."

3. Your Committee entirely agree with the conclusions arrived at by the House of Assembly whose report has just been quoted, and further specially recommend as follows:—

- (1) That in administering the law, adequate deterrent punishments be inflicted. Merely to give imprisonment to Natives is practically an encouragement to crime. The infliction of lashes, fines, spare diet, solitary confinement. and, in the case of old offenders, deportation from the Colony are necessary. Arrangements could easily be made with the government of the Colony of St. Helena for the transportation of convicts. In all cases, where possible, double at least of the value of the stock stolen should be required from the thief.
- (2) In many cases it is evident that there is not a sufficient force of Police to put down Stock Thefts, that their methods are defective, and that it would be wise to employ Colonial men conversant with the country, people, and languages.

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- (3) They recommend (a) that in the case of Municipal Locations, a barbed wire fence, approved of by the Government, be erected with adequate entrances, so as to be effective in assisting the police in the performance of their duties. (b) That all these Locations be under the direct supervision of the police. (c) Generally, and specially with reference to private Locations, the Vagrant Act be strictly enforced. At the same time, it is of consequence that where the police have a suspicion that stolen stock or meat is in any hut or habitation, they may have the right to enter that hut or habitation instead of having to get a search warrant first. (d) A proper and strictly kept register of arrivals and departures at locations is required and the Superintendent should be careful with regard to the extent of leave of absence he gives to inmates.

4. Your Committee are of opinion that with a view to carrying out the provisions of the Cattle Removal Act it is really necessary to make provision against forgery and irregular passes, as well as generally to carry its provisions out stringently throughout the whole Colony. As far as possible printed forms should be used, and the farmers of the Colony are earnestly called on for mutual interests to co-operate in carrying out the law effectively. Better still, they think it would be wise to amend legislation so as to provide for compulsory stamped passes.

5. Your Committee recommend that buyers of skins are to be required to take out a licence and to keep proper books. The evidence shows that canteens on Bye-roads in the Colony are not desirable.

6. Generally your Committee earnestly recommend the attentive perusal of the evidence, which contains important information and imparts valuable suggestions. At the same time they find it their duty to observe that, in accordance with the evidence received by them and the opinions of those acquainted with the subject, it is not so much legislation that is wanted as the firm and efficacious administration of the laws which at present exist. They earnestly call upon the Government to give this subject their consideration.

P. W. MICHAU,
Chairman.

Committee Rooms,
Legislative Council,
17th May, 1905.

RAPPORT

VAN HET

Gekozen Comité, aangesteld op last van den Wetgevenden Raad, gedateerd 11 April, 1905, om onderzoek te doen naar de heerschende en steeds toenemende misdaad van Veediefstallen in de Kolonie, en rapport uit te brengen over de beste middelen om dezelve te verhinderen, zoodanig Comité macht te hebben om getuigenis in te winnen en om papieren te vragen; het Comité te bestaan uit de heeren Wilmot, Pretorius, Rogers, Pyott, Claassens, Hurndall en Michau.

1. Uw Comité heeft een aantal getuigen onderzocht, insluitende boeren, politiebeambten en magistraten. Het algemeene gevoelen is dat in het geheel genomen, veediefstallen niet verminderd zijn, en dat het noodig is, opdat zij minder worden, dat de administratie van de Wet verbeterd worde door zwaarder vonnissen op te leggen. Met betrekking tot welke bijzondere soort van straf opgelegd behoort te worden, zijn de getuigen eenstemming van oordeel dat deportatie uit de Kolonie, in geval van oude misdadigers, waarlijk noodig is. Een van de middelen waardoor veediefstallen gepleegd worden met betrekkelijke straffeloosheid, is te wijten aan het feit dat Municipale locaties niet onder genoegzaam toezicht zijn. De getuigen zeggen dat deze behoorlijk ingesloten en geplaatst moeten worden onder het toezicht van de Kaapsche Politie.

De getuigenis zooals voor uw Comité gegeven is van een zeer praktischen aard en het wenscht de aandacht speciaal erbij te bepalen.

2. Het is wenschelijk, naar een rapport van een Comité van de Wetgevende Vergadering van 1892 te verwijzen, toen speciale aanbevelingen werden gedaan. Zij zeggen:—

- (1) “Uw Comité heeft een opgaaf bekomen van schuldig verklaringen en vonnissen in de Hoogere Hoven, en werd getroffen door het kleine aantal ervan en de lichtheid en ongelijkheid van de vonnissen in deze veronderstellenderwijze grove gevallen. Uw Comité is van gevoelen, dat in het algemeen, vonnissen voor Vee Diefstallen, veel zwaarder behooren te zijn, en gevoelt dat dit het geval zal zijn, indien de Rechters bewust waren van het gewicht van het kwaad.
- (2) Dit Comité was ook van opinie “dat dieven van vee, zoo ver mogelijk van hunne huizen behooren geplaatst te worden en dat transportatie over de zee een zeer gewenschte uitwerking hebben zal.”
- (3) Dit Comité was verder van gevoelen dat de Kaapsche Politie macht versterkt behoort te worden met 100 uitgelezen mannen, met speurders.
- (4) Zij zeggen ook: “Het Comité verneemt met leedwezen uit de getuigenis van Commissaris Davies, dat de bepalingen van de Inboorling Locatie Wetten, met betrekking tot de registratie erin van vee en hun merken, niet algemeen worden uitgevoerd; en terwijl het Artikel 14 van het Inboorlingen Locatie Wetsontwerp van 1892, goedkeurt, zou uw Comité aan de hand willen geven, dat grooter zorg gedragen moet worden dat de bepalingen van de Wet, waarlijk zullen worden uitgevoerd en beschouwt dat het wenschelijk is dat zulks door de Politie wordt gedaan.”

(5) Verder zeggen zij: "Commissaris Davies heeft aanbevolen dat gedrukte vormen met tegenbladen aan boeren, goedkoop verschaft zullen worden voor gedwongen gebruik, ter machtiging van de verwijdering van vee. Die, wanneer uitgereikt aan inboorlingen, houdende de certificaten, naar verwezen, onder het vorige artikel, kunnen naar die certificaten verwijzen door middel van het nummer en kunnen van dienst zijn, tot dat plaatsvervangende vormen gegeven werden door beampten, aangesteld om gezegelde vormen van denzelfden aard uit te reiken. Uw Comité beveelt aan dat de werking van de Vee Verwijderings Wet door de geheele Kolonie wordt uitgebreid. Doch uw Comité is ervan bewust dat noch de Vee Verwijderings Wet, noch eenige Pas Wetten, doeltreffend kunnen zijn, tenzij boeren bewogen of gedwongen kunnen worden om op een actieve wijze te helpen om ze uit te voeren, door overtuigd te zijn van de noodzakelijkheid door middel van de Wet, of door middel van het effect van plaatselijke organisatie."

3. Uw Comité stemt geheel en al in, met de besluiten genomen door de Wetgevende Vergadering wiens Rapport juist werd aangehaald, en beveelt verder en in het bijzonder het volgende aan:—

(1) Dat in de handhaving van de Wet, genoegzame afschrikkende straffen opgelegd worden. Door slechts inboorlingen met de gevangenis te straffen is werkelijk een aanmoediging tot een misdad. De toediening van slagen, boeten, schrale kost, eenzame opsluiting en in het geval van oude misdadigers, deportatie uit de Kolonie, zijn noodig. Schikkingen kunnen gemakkelijk gemaakt worden met het Gouvernement van de Kolonie van St. Helena voor de transportatie van bandieten. In alle gevallen, waar moge-

lijk, behoort minstens dubbel van de waarde van het gestolen vee van den dief verlangd worden.

- (2) In vele gevallen is het duidelijk dat er niet een genoegzame Politie macht is, om vee diefstallen te onderdrukken en hun methoden zijn gebrekkig en dat het wijs zou zijn om Koloniale mannen te employeeren, bekend met het land, het volk en hun taal.
- (3) Het beveelt aan (a) dat in het geval van Municipale Locaties, een steekdraad heining, goedgekeurd door het Gouvernement, opgericht worde, met genoegzame toegangen, zooals doeltreffend te zijn in de hulp aan de Politie verleend, in het uitvoeren van hare plichten, (b), Dat al deze Locaties onder het directe toezicht van de Politie zij. (c) Dat in het algemeen en in het bijzonder met betrekking tot private Locaties, de Landloopers Wet streng worde toegepast. Tegelijkertijd is het van belang, dat waar de Politie een suspicie heeft dat gestolen vee of vleesch in eenig hut of woning is, zij het recht mogen hebben om zoodanig hut of woning binnen te gaan, in plaats van eerst een bevelschrift te verkrijgen om zulks te doen. (d) Een behoorliken nauwkeurig gehouden register van aankomst aan en vertrek van de locatie, wordt vereischt en de Superintendent behoort voorzichtig te zijn met betrekking tot den duur van het verlof van afwezigheid, die hij aan inboorlingen geeft.

4. Uw Comité is van opinie dat met het oog op de uitvoering van de bepalingen van de Vee Verwijderings Wet, het waarlijk noodig is om voorziening te maken tegen vervalsching en onregelmatige passen, als ook in het algemeen van hare bepalingen streng door de geheele Kolonie heen, uit te voeren. Gedrukte vormen behooren, zoover

mogelijk gebruikt te worden en een ernstig beroep wordt gedaan op de Boeren in de Kolonie terwille van onderling belang samen te werken om de Wet op een doeltreffende wijze uit te voeren. Nog beter, het zou wijs zijn, denkt het, om de wetgeving zoo te amendeeren, dat er voorziening gemaakt wordt, voor gedwongen gezegelde passen.

5. Uw Comité beveelt aan dat het voor koopers van vellen noodig zal zijn licentie uit te nemen, en behoorlijke boeken te houden. De getuigenis toont aan dat kantienen op de zijwegen in de Kolonie niet wenschelijk zijn.

In het algemeen, beveelt uw Comité ernstig de lezing aan van de getuigenis, als gewichtige informatie bevattende en kostbare wenken verschaffende. Tegelijkertijd acht het zijn plicht om aan te merken dat volgens de getuigenis ingewonnen en de opinie van dezulken die met de zaak bekend zijn, is het niet zoo zeer wetgeving die verlangd wordt, als de ferme en doeltreffende uitvoering van de wetten, die thans bestaan. Het doet derhalve een beroep op het Gouvernement om deze zaak ernstig te willen overwegen.

P. W. MICHAU,
Voorzitter.

Comité Kamer,
Wetgevende Raad,
17 Mei, 1905.

PROCEEDINGS OF COMMITTEE.

PROCEEDINGS OF SELECT COMMITTEE, appointed by Order of the Legislative Council, dated the 11th April, 1905 to enquire into the prevailing and growing evil of Stock Thefts in the Colony, and to report as to the best means of preventing the same, such Committee to have power to take evidence and call for papers; the Committee to consist of Messrs. WILMOT, PRETORIUS, ROGERS, PYOTT, CLAASSENS, HURNDALL, and MICHAU (Mover).

Tuesday, 18th April, 1905.

PRESENT.

Mr. Michau.
Mr. Wilmot.
Mr. Hurndall.
Mr. Pretorius.

Mr. Pyott
Mr. Claassens.
Mr. Rogers.

Order of Council dated 11th April, 1905, appointing Committee read.

Resolved: That Mr. Michau be Chairman of this Committee.

Resolved: That the following witnesses be summoned:—

For 4th May { Inspector Rayner, Cape Police.
The Commissioner of Police.

For 5th May { Mr. Frank Urie, Cradock.
Mr. Wm. Thomas, M.L.A.,

For 8th May { Mr. Cuyler, Cuyler Manor, Uitenhage.
Mr. G. Blaine, M.L.A.

Adjourned until Thursday, 4th May, 1905.

Thursday, 4th May, 1905.

PRESENT:

Mr. MICHAU (Chairman).

Mr. Hurndall.
Mr. Claassens.
Mr. Pyott.

Mr. Pretorius.
Mr. Wilmot.
Mr. Rogers.

Minutes read and confirmed.

Inspector Charles Tainton Rayner, Cape Mounted Police, examined.

Resolved: To summon Mr. E. R. Hobson to give evidence, on Friday, 5th May, 1905.

Adjourned until Friday, 5th May, 1905.

Friday, 5th May, 1905.

PRESENT :

Mr. MICHAU (Chairman).

Mr. Hurndall.	Mr. Pretorius.
Mr. Claassens.	Mr. Wilmot.
Mr. Pyott.	Mr. Rogers.

Minutes read and confirmed.

Mr. Frank Urie and Mr. E. R. Hobson, examined.

Adjourned until Monday, 8th May, 1905.

Monday, 8th May, 1905.

PRESENT :

Mr. MICHAU (Chairman).

Mr. Rogers.	Mr. Hurndall.
Mr. Claassens.	Mr. Wilmot.
	Mr. Pyott.

Minutes read and confirmed.

Mr. Jacob Glen Cuyler, examined.

Resolved : To summon Mr. G. A. Fincham and Mr. W. Thomas, M.L.A., to give evidence on Tuesday, 9th May, 1905.

Adjourned until Tuesday, 9th May, 1905.

Tuesday, 9th May, 1905.

PRESENT :

Mr. MICHAU (Chairman).

Mr. Rogers.	Mr. Claassens.
Mr. Hurndall.	Mr. Wilmot.
Mr. Pyott.	Mr. Pretorius.

Minutes read and confirmed.

Mr. George Aldridge Fincham and Mr. William Thomas, M.L.A., examined.

Resolved : To summon Mr. W. B. Magennis, C.C. and R.M. of Aberdeen, and Mr. W. Rubidge, M.L.A., to give evidence on Wednesday, 10th May, 1905.

Adjourned until Wednesday, 10th May, 1905.

Wednesday, 10th May, 1905.

PRESENT :

MR. MICHAU (Chairman).

Mr. Rogers.
Mr. Pyott.
Mr. Wilmot.

Mr. Hurndall.
Mr. Pretorius.

Minutes read and confirmed.

Mr. William Thomas, M.L.A., further examined.

Mr. W. B. Magennis, C.C. & R.M., of Aberdeen, examined.

Resolved : To summon the Commissioner of the Cape Mounted Police and Mr. William Crosbie, M.L.A., to give evidence on 12th May, 1905.

Adjourned until Friday, 12th May, 1905.

Friday, 12th May, 1905.

PRESENT :

MR. MICHAU (Chairman).

Mr. Hurndall.
Mr. Rogers.
Mr. Claassens.

Mr. Pretorius.
Mr. Wilmot.
Mr. Pyott.

Minutes read and confirmed.

Mr. Wm. Crosbie, M.L.A., Col. M. B. Robinson, C.M.G., Commissioner of Cape Mounted Police, examined.

Resolved : That a Sub-Committee be appointed to draw up a Draft Report, such Sub-Committee to consist of Messrs. Wilmot, Hurndall and the Chairman.

Adjourned until Wednesday, 17th May, 1905.

Wednesday, 17th May, 1905.

PRESENT :

MR. MICHAU (Chairman).

Mr. Hurndall.
Mr. Rogers.
Mr. Claassens.

Mr. Wilmot.
Mr. Pyott.

Minutes read and confirmed.

The Chairman brought up the Draft Report of the Sub-Committee.

Draft Report considered and amended.

After deliberation.

Resolved : That the Draft Report, as amended, be adopted.

Resolved : That the Chairman report accordingly.

MINUTES OF EVIDENCE.

SELECT COMMITTEE ON STOCK THEFTS.

Thursday, 4th May, 1905.

PRESENT :

MR. MICHAU (Chairman).

Mr. Hurndall.

Mr. Claassens.

Mr. Pyott.

Mr. Pretorius.

Mr. Wilmot.

Mr. Rogers.

Inspector Charles Tainton Rayner (Cape Mounted Police) examined.

1. *Chairman.*] You are an Inspector in the Cape Police?—Yes, in the Aliwal North Division.

2. I suppose you are aware of the objects of this Committee?—Yes, in connection with stock thefts.

3. We want to try and find out in what way to suppress them. How long have you been connected with the Cape Police?—Since 1882.

4. Have you always been in the Eastern Province?—Yes, practically.

5. In your experience, is stock-thieving increasing or decreasing?—Speaking of the Eastern Province, I do not think it is on the increase.

6. In what parts have you had the most complaints?—In the Barkly East District.

7. Have you had many cases in the Locations?—No.

8. Who do you think steal mostly?—Mostly natives, but the Europeans steal largely also.

Inspector
C. T. Rayner.
—
May 4, 1905.

9. Have you traced any thefts lately to Europeans?—Not recently; it is some years since we traced thefts to Europeans, but we know of them thieving, and we have our eyes on them. It takes time, however, to trace them.

10. Have you had any convictions lately for stock thefts?—Yes.

11. How many convictions did you have for stock thefts?—During the nine months ending the 31st of March, 1905, we made 133 arrests.

12. And the number of crimes?—88.

13. How many convictions did you have?—We had 87 summarily convicted, and there are 9 awaiting trial.

14. Can you give us an idea of the period of sentences given?—They varied from six months to two years and six months.

15. Were any lashes inflicted?—Yes, in some cases.

16. We want to find out some means of suppressing these stock thefts; what would you recommend? Are the sentences sufficiently heavy?—I think the Cattle Removal Law wants amending. I might make one or two suggestions. Speaking of my own Division, that is Barkley East, Aliwal North and Herschel, I have a mixed population of about 61,000, that is 12,000 whites and 49,000 blacks. Further than that, the Barkley East District is bordered by Mount Fletcher, Maclear and Elliott Districts. There the population of natives is 33,640 out of a total population of 41,040. This area is policed by 123—all ranks, and it is obviously clear that we have not sufficient men to cope with the work.

17. How many men would you want to cope with the work?—At least 180 to do the work properly. There have been many reports of stock lost, and the time of the men has been devoted entirely in searching for lost stock. This of course does not allow any time for Police work.

18. Can you tell us what class of men you find most serviceable in tracing these stock thefts,—the

native, Colonial, or the imported European?—We have Englishmen who have been out here some time, who are quite as good as any Colonials, and the natives are very good also. The raw Englishman, of course, takes about a year before he exactly knows what to do.

Inspector
C. T. Rayner.
May 4, 1905.

19. Do you find these native detectives of any assistance?—Yes, if you pick your men and know the native character well, and also know their languages.

20. And you think they are reliable?—Yes, I have found the majority reliable, although you come across “wasters” occasionally. I should like to make a statement expressing my views. I was authorised by the Commissioner Commanding to enrol a certain number of natives for the Herschel District, and was instructed by him to place a number of these natives as boundary riders on the Barkly East, Herschel and Basutoland border, along the border fence which had to be properly patrolled. In addition to this, we established Helio communication on the border which has undoubtedly spared both men and horses, and is an object lesson which has had a very good effect upon the natives. Although the establishment of a proper system of patrol was originated along the border fence, I am sorry to say it has not checked the New England farmers from reporting losses of stock, but it has certainly to a very great extent minimised the losses as compared with former years; the fact that notwithstanding the efforts of trustworthy men patrolling the border fence each way once in twelve hours, coupled with other patrols, and no clue or spoor of any kind being found, obviously points to the fact that no stock could have passed through, and leads one to the regrettable conclusion that the thieves are living in the district and are Europeans, and that, therefore, the suspicions of farmers that their large losses have been occasioned by theft by natives over the border are wrong and unfair. I am satisfied by the means we adopted that the large losses of

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C. T. Rayner.
May 4, 1905.

stock reported did not pass through the fence, and the farmers, in conjunction with ourselves, must now direct attention—in respect to these losses—nearer home and inland. It takes time to find these things out, but I am pleased to say the police are now aware of a gang of European characters who are being watched. We have, naturally, had many difficulties to contend with, which I will here communicate. The most important are:—

1. As compared with former years, all stations are undermanned, and we have been obliged to make the best of things, and on the whole we can congratulate ourselves upon what we have accomplished under these trying circumstances.
2. The men are mostly young and inexperienced to the work.
3. Inferior quality of horses, mares become un-serviceable and throw extra work on serviceable animals, which serves to bring these down in addition.
(These two latter are being surmounted).
4. Want of confidence on the part of farmers; unless a policeman is well acquainted with the farmer the latter will not give him his suspicions, etc., in the case of lost stock.

There have been several prosecutions for theft of stock on forged passes, *i.e.*, a pass is issued purporting to be from a Headman asking that bearer may be furnished with a pass for certain stock proceeding to so and so. In order to check this, the Government should, I think, supply each Headman with a proper Pass-book for their use, each pass to be numbered, and if necessary to bear 1d. embossed stamp. The Headman to be responsible for the amount or price of each book so issued to him."

21. Do you think each Headman should be instructed by the Government to issue passes with a stamp?—Yes.

22. Is that for the Native territories?—Yes.

23. Do you recommend that police only should issue passes in the districts you patrol?—Yes.

24. If a farmer lives five or six miles from a police station and the native wants to trek, would it not be a very great inconvenience to get there?—The farmer could give him a pass to the nearest police station, where he could verify his stock and get a proper pass.

Inspector
C. T. Rayner.
May 4, 1905

25. Is not that the case at present?—No, the Pass Laws are almost obsolete.

26. But if they go over the border they must have a pass from the Cape Colony?—Yes, but sometimes they slip through with a farmer's pass.

27. Do you think the police get enough encouragement from the magistrates?—You can generally get proper assistance from the magistrate.

28. I mean, after you have worked up a very difficult case and have given all the details, but cannot prove that you have actually caught the man in the act of cutting up the sheep, does the magistrate give all his help?—Well, of course there are technicalities, and although I have heard of one or two cases I have never myself had a case. I have always found it is a case of misunderstanding.

29. What kind of punishment would have the best effect on natives: imprisonment, deportation, or spare diet?—I think deportation would be the severest.

30. Say to St. Helena?—Yes; or to Bermuda.

31. What is the effect of lashes?—I do not think they do much good. As a matter of fact, it has come within my experience on one or two occasions where a native has deliberately said in court, "knock off one year's imprisonment and put on thirty-six lashes instead."

32. We have just had an amended Act to inflict a fine: do you think that would be of any good?—Yes, but a native who steals like that is not worth powder and shot, and has next to nothing. It would undoubtedly be a great punishment though in cases where stock could be seized.

33. What percentage of that class would be able to pay a fine?—I should say about five to ten per cent.

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34. *Mr. Wilmot.*] We may take it that the vast majority of persons tried for sheep stealing are natives?—Yes, undoubtedly.

35. Can you say, in your opinion, what are the most effective means to be taken for the prevention of stock stealing by natives?—I should think the Pass System should be in our hands for one thing, and then proper Registers should be kept by all Location Inspectors, which is not done now. These books should be placed at the disposal of the police at all times. Then a fine with a sentence would have a deterrent effect, and we should have more police.

36. You are not in favour of lashes?—I should think deportation would be much more effective. In the case of a second or third conviction, as the case may be, send them away, the man who steals as soon as he gets out of prison will do so again.

37. *Chairman.*] Do you recommend deportation on first conviction?—No, about the second or third conviction.

38. *Mr. Wilmot.*] And, of course, you suggest that you should have more police?—Yes, unquestionably.

39. Would you be surprised that, when I was in the Division of Maraisburg the other day, I heard that whenever a magistrate is there who gives lashes there is no stock theft, and there are thefts when magistrates do not give lashes?—That is my experience to some extent; but then, again, you will find that in petty thefts the thieves do not like lashes. The people who go in systematically for sheep stealing do not mind the lashes. It is no disgrace to them.

40. *Mr. Rogers.*] How many districts have you laboured in since you have been in the Force?—Nearly the whole of the Eastern Province, the Midlands, and I was also in Graham's Town for a couple of years.

41. In which of these districts have you found the most stock thefts?—In Barkly East.

42. To what cause do you attribute that?—It is hard to say. There have been instances where

speculators have come in and bought a number of stock, and somehow or other they get mixed with somebody else's stock. In one case I know of a man took over 200. The owner followed up, and when questioned said: "I do not know, my boys must have taken them on with the lot." I therefore think that all speculators should report to the magistrate or police officers on arrival and on leaving the district. They should have a list of the stock they purchased, furnishing names of farmers, description and quantity of stock, and that list should be checked by the police before the speculators leave the district. The same restrictions should be made to apply to treks. Barkly East is a grazing district—farmers from other districts hire grazing there, and a large number of stock has been lost. I would not, however, attribute all the losses in the Barkly East district to thefts.

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43. Do you think the farmers of Barkly East and Aliwal North are particular in counting their flocks regularly?—No, that is one difficulty we have to put up with—they do not count them systematically, and it is generally the farmer who has the most stock who reports losses. After counting part of his flocks he finds 150 or 180 sheep short, he reports to the first policeman he comes across, before verifying his report, and very often those missing have been discovered in another flock.

44. How much time has been occupied in that way?—The whole of our time. For the last nine months we have devoted all our time to this matter.

45. Then it is the farmers' own fault?—That is what it means.

46. Do you patrol much by day?—We have not time for it.

47. If you had time, would you go in for it more than you do?—Certainly, night and day patrolling and forelays. You must patrol to enable men to learn the district thoroughly.

48. Night patrolling is better?—Yes. In the winter we cannot patrol by night, owing to the

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severe cold, but then we put patrols at different points,—in other words forelay.

49. Have you had many reports of thefts in a small way—say, one or two missing from a flock?—Yes, and we generally find the thief. Usually it is the farmer's servant.

50. How do you detect such cases?—By employment of detectives.

51. And you generally succeed?—Yes, as a rule.

52. *Mr. Pyott.*] What class of European goes in for stock theft in your Division?—Both English and Dutch.

53. No other class?—Natives.

54. *Mr. Pretorius.*] Any Jews?—They come into the "Speculator" class.

55. *Mr. Pyott.*] Is it the duty of the police to look for lost stock?—It is part of our duty—presuming them to be stolen, of course.

56. *Mr. Hurndall.*] What districts have you been working in?—Barkly East, Aliwal North, Herchel, etc.

57. And in the Midlands?—Uniondale, Willowmore and Steylerville about sixteen months ago.

58. What class of native did you find in the Midland who did this sort of thing?—It was the trusted servant as a rule.

59. What nationality?—Bastards; some Kafirs.

60. Hottentots?—Yes. We found them of all nationalities.

61. In detecting did you find women connected with the thefts?—Yes, accessories after the fact.

62. Cannot you deal with them?—I think they are generally dealt with.

63. Have you had any convictions against them?—I do not remember a case at present.

64. Have you found the principal receivers in the Midland District to be women?—Well, no. The man is the principal offender; the women are receivers in another respect—they eat the meat.

65. Did you not find the women conceal the meat?—Yes, I have found them sitting on the top of it.

66. Could not any law be framed with the object of having the women punished? We have always found the women to be the greatest rogues of the lot?—The women do not go in for stock thefts, we deal with the husbands, not the wives.

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67. Do you trace the thefts to farmers' or private locations?—I have not had much experience of private locations.

68. You have locations in municipal towns?—Yes. There have been one or two thefts traced to those, and we have generally succeeded in getting the men.

69. And where do the other natives reside, on the farms, or where?—It is generally the most trusted servant of the farmer.

70. Kafir?—Yes, Kafir, Hottentot or Bastard.

71. Have you had any experience among the native railway employees?—Yes, we have recently had experience of that, but we generally employ detectives for the work.

72. Do you use the native against his own nation as a detective?—Yes.

73. And do you find it successful?—Yes, I have had a father capture his own son, and a son capture his own father.

74. Is the Cattle Removal Act in force?—It is a permissive Act and not throughout the Colony. It has always been in force where I have been stationed.

75. That Act compels every man to have a pass, whether he is black or white, does it not?—That is so, except on his own farm.

76. Do you find it work satisfactorily?—No, it does not. We must have a proper system of pass issuing. Every landowner can issue a pass, and the pass is generally so faulty that you cannot blame the holder. It is a very great hardship on the natives; in one case lately we detained a native five days on a faulty pass.

77. By the Pass Laws they are bound to give a pass description?—Yes, but on these faulty passes there are no particulars given of marks or

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description. If we had a proper pass system throughout the Colony it would be a safeguard against stock thefts.

78. The Pass Act is not administrated properly?—No.

79. Whose fault is that?—The fault of the farmer generally.

80. *Mr. Pyott.*] Can one farmer give a pass to another farmer?—Yes.

81. Well, I am a farmer myself; can I give myself a pass for myself?—Yes, or go to a Field-Cornet or to a Justice of the Peace who will issue a pass.

82. Then you think they ought to go to the police for it?—Yes.

83. *Mr. Hurndall.*] If the Act was enforced would it be any deterrent to stock thefts?—Well, I cannot understand how you are going to enforce it. It gives a farmer power to give a pass to anybody, and that is why I say that a farmer should issue a pass only to the nearest Police Station, and then if we find the holder of that pass going in an opposite direction to the Police Camp it should be an offence and punishable by law.

84. *Mr. Pyott.*] Supposing your Camp is in the centre of a certain district, and the farmer wants to go in a direction which would not take him through the centre?—He should be compelled to do so. It would be no hardship for him to report.

85. If he gives you notice that he wants to do so, you would give him a proper pass?—Yes, after properly inspecting the stock.

86. *Mr. Hurndall.*] In punishing these men, have you had any experience in giving these natives spare diet in place of lashes?—No, but I think it would have a good effect.

87. I have heard that spare diet would be good for them?—They do not like spare diet.

88. Do you think the new Act just passed, which stipulates that in view of the native not being able to pay he shall have extra punishment, would do good?—For the petty class of theft it might, but not for the other.

89. *Mr. Pretorius.*] What is the reason for so many thefts in Barkly East—are the farmers careless and do not herd their stock?—The majority of farms are enclosed, and that fact has a tendency to make them so. Inspector
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90. In your experience, is it not the case that where magistrates fined them, the thefts increased and they came back and stole more?—In all my experience I only know of two cases where the culprit revenged himself on a particular farmer.

91. Do you find them take revenge a few months after they have been released from gaol?—Yes.

92. The question as regards deportation has been put to you. Do you think deportation for three or four years would have a good effect?—Yes, it certainly would have a deterrent effect.

93. *Mr. Rogers.*] Is stock thieving worse now than it was 23 years ago?—My 23 years' experience has been gained in the Eastern Province. In 1883 I was in the Barkly East District, and we then had a rougher time than now. Since that time thieving has decreased.

94. Have you had much experience of town locations?—No.

95. I suppose you have traced stolen sheep to the locations?—Yes.

96. Do you think there is much stock stolen in that way?—No, it is stolen from stock brought in by farmers or speculators to be trucked. Sometimes they get away; sometimes we trace them to the location.

97. *Chairman.*] Under whose supervision should the town locations be?—I think they should be under the Cape Police.

98. In some places on the Basuto Border there is a fence?—Yes, from Tena Head along the Basuto-land-Herschel border to Lady Grey there is a fence. We have riders, which certainly prevent stock thieving amongst the natives.

99. Should it not be the same for town locations, that is, just have one or two entrances?—It might be good, but as a rule we have nothing to do with

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locations. If a 13-wire fence was put round these locations and one or two entrances it would certainly help to check things going in and out.

100. Would it interfere with the freedom of the natives?—Not at all.

101. It would give the police an opportunity of checking them?—Certainly.

102. Have you any further recommendations to make?—One other suggestion I might make, and that is: Beer drinking leads to a great extent to stock thieving, and in the Native territories at present it is the practice of traders and others to send for quantities of liquor, which is sold by the unscrupulous for an extortionate amount. This liquor is then mixed with the Kafir beer, making a very strong decoction, and I think that the bringing of brandy into Native locations should be stopped. Even an European or registered voter should have a pass from the Magistrate before he is allowed to bring in liquor to the district.

103. Do you find that the careless way in which merchants buy skins encourages the natives to steal?—Yes. The farmers should be compelled to keep proper Stock Books. Some of them do keep a book, which is frequently not written up or else is faulty in some way.

Friday, 5th May, 1905.

PRESENT:

MR. MICHAU (Chairman).

Mr. Rogers.
Mr. Wilmot.
Mr. Pyott.

Mr. Claassens.
Mr. Pretorius.
Mr. du Toit.

Mr. Frank Urie, examined.

104. *Chairman.*] You come from Cradock?—
Yes.

105. You have been Chief Constable at that place for a good many years?—Yes, for eighteen years, and Sergeant of Police for two years and six months.

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106. Have you had anything to do with the native location at that place?—Yes, a good deal in connection with my duties as Chief Constable.

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107. Have you spent all these years at Cradock?—Yes.

108. Do you know the object of this Committee?—I think I pretty well know what is required.

109. With your 20 years' experience do you think that stock thefts are on the increase or decrease, or are they more or less stationary?—More or less stationary.

110. Of course, you are only speaking for the Cradock district?—Yes.

111. Under whose supervision is the town location of Cradock?—Under the Superintendent of the Municipality, and it is policed by the Cape Police and Town Police.

112. Is that a satisfactory way of working the town location?—I think myself it should be entirely under the police; not to say that they should do away with the superintendent, but I think the police should be given more right.

113. Are there many stock thefts in connection with the Cradock location?—Some have been traced to the location.

114. Do you think the police are doing their utmost to suppress stock thefts?—I can only say I think they are trying to do their best.

115. What would you suggest to suppress stock thefts?—There is one thing I would like to bring forward, and that is that all produce such as skin, mohair and wool should be treated in the same way as ostrich feathers, in this respect, that no native be allowed to sell them unless he has a recognised note from his master.

116. From your experience you think that would be very advisable?—Yes.

117. Is there no law to that effect now?—We have no law forcing people to have a licence for produce. Why I recommend this is that any native can go and purchase skins without it being entered in proper books. They go out and meet

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the farmer's waggon and buy skins, but if the law was the same as it is with regard to ostrich feathers, the purchasers would have their names entered in proper books and the police would be able to trace them.

118. That is especially with regard to skins?—Skins and mohair. You will find very often skins lying in front of a shop, and a native will take one of these and sell it to another. I say he ought to have a note from his master before he is allowed to do so.

119. Do you think the natives kill the stock for the purpose of selling the skins, or do they do it more for the purpose of getting the meat?—I think it is more for the meat, but I know they go in for stealing skins for selling.

120. In your opinion do you think the sentences for stock theft should be more severe?—I think they are severe now, but I do not know whether it would have a better effect to make them more severe.

121. What would you recommend which would have a better effect than the present sentences?—I do not know. At present we have lashes as well as imprisonment.

122. Which has the better effect?—Lashes seem to have a better effect, as the Kafirs do not seem to like lashes at all.

123. Are you in favour of deporting stock thieves on their second conviction to some oversea place?—Yes, that would be a good thing.

124. To go back to the locations, if the police have full supervision over them, you think, with the present staff, they would be capable of suppressing stock thefts entirely?—Not entirely.

125. Would you not recommend that all locations, private as well as municipal, should be well enclosed with barbed wire?—Yes, I would advocate that.

126. You think it would have a good effect?—Yes; we have a location of about $2\frac{1}{4}$ miles in circumference. If that location were enclosed and

there were only three openings, on a Saturday night or any other night a man could be stationed at each of these openings, and by those means you would require less men and have better results.

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127. So you would strongly recommend it?—Yes.

128. Could you make any recommendation as to some improvement in the present Location Act as regards arrivals and departures of natives?—We have that at present.

129. Is that well administered?—I was going to suggest that that be strictly enforced. We have three sections under which we can act. The one is that all strangers arriving at the location must report themselves to the Superintendent himself at once; the second is that every male adult must state how he obtains his livelihood; and the third is that every native convicted of stock theft is to be evicted from the location.

130. From your knowledge do you think there is reason for the impression that the Cradock location is not under good supervision?—What I say is that it should be under the police entirely, and that they should be given more power. We have at the present time a superintendent who, I suppose, is working the location to the best of his ability.

131. In what direction should the police have more power?—If the police have a suspicion that the stolen stock is in any hut, that they have the right to break open that hut instead of having to get search warrants first.

132. You know how the present Act is working and you know what rights the police have; now, can you tell the Committee what can be done to attain our object of suppressing stock thefts?—I would like to suggest that every native leaving the location in the evening and going along the main road should have a pass. That is, if he goes a distance of two or three miles from the location the police can arrest him if he has no pass. We have several farms adjoining the location and the natives are able to go to them and get back to the location the same night.

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133. Is it your experience that it is more difficult to obtain a conviction against a native for stock theft now than formerly?—Yes, they work very cutely now. For instance, formerly they would go along the main road but now they take the rocky road.

134. And how about skins and other marks?—These are generally hidden.

135. Do you find that it is easy to bring a charge home to any native?—It is very difficult in some cases.

136. *Mr. Claassens.*] Is it because the stealers cannot get food, or what do you think is the reason of stock thefts?—I really cannot say, because in many of the cases brought forward the natives seem to be well fed by their masters. The chief thing is to do away with the loafers in the location, and to enforce the regulations strictly in that respect. When I was in the police I used to make an occasional raid on the location with good results.

137. You mean the Vagrants Act must be more severely enforced?—The Municipal Regulations. Our Municipality has very good regulations, and I think the new man we have there now will see that they are carried out. I think all natives removing stock should have a proper pass containing a description of the stock and any particular marks.

138. *Mr. Michau.*] Would you be in favour of this pass system being placed in the hands of the police only?—Yes, you have a police station near the farms, so I think that would be very workable.

139. *Mr. Pyott.*] What are you going to do with the loafers?—They will have to be charged under the Vagrancy Act unless they can prove that they are able to obtain work.

140. In case they are not vagrants, what are you going to do with them?—If they have nothing to do they must live from stealing.

141. But a man may have sufficient funds to keep him without working?—In that case it would be awkward if you did send him away.

142. You would only drive him from one location to another?—Yes.

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143. Is the present Vagrant law sufficient to deal with them?—Yes.

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144. You do deal with them under the Vagrancy law?—Yes.

145. You said you thought natives should carry passes for skins and so forth?—Yes.

146. Does not the Skin and Feather Act provide for that?—There is an Act which provides for that, but what I was alluding to was that the buyers should have a licence and should keep a register.

147. The present Act could be so amended so as to provide for that?—Yes.

148. You think it would be satisfactory if it were so amended?—Yes, it would be a great advantage to the farmer.

149. You say there are a lot of people knocking about the locations who have no means of obtaining a livelihood?—Yes.

150. Are they under the municipality?—Yes, the Cape Police work the location, and the town police take their turn as well.

151. Have you found any improvements since the Cape Police have worked them?—No, it is just the same as before.

152. Do you mean to tell me if the Vagrancy Act was strictly enforced that you could not deal with these loafers?—The Vagrancy Act is carried out.

153. With what result?—Those arrested have been fined.

154. And then?—They go from the Court-house to the Superintendent, and if they can prove to him that they can obtain work, he gives them a card.

155. *Mr. Hurndall.*] Of what particular race are those natives who are convicted of stock thefts?—Hottentots and Kafirs chiefly.

156. An equal proportion?—More Kafirs.

157. Do you know whether women are connected in any way with these stock thefts?—I do not

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know if they assist, but they would naturally have a hand in disposing of the meat.

158. Have you had any convictions?—Not against women.

159. You have never prosecuted?—No.

160. What punishment do the Kafirs dread most?—Lashes.

161. More than spare diet and solitary confinement?—Yes. I know a Kafir would rather get two years than lashes.

162. Have you had much experience of spare diet?—Yes, a lot of it.

163. Do you know anything about the Cattle Removal Act?—No, not much.

164. That provides that no stock can be removed by anyone without a proper pass?—Yes.

165. Is that enforced in Cradock?—I have been away from the force for eight months, but I think it is enforced.

166. *Mr. Rogers.*] What class of natives, as a rule, gravitate towards the municipal location?—We have, as a rule, a respectable lot of natives residing there, and we have a lot who come in for a day or two.

167. They are not permanent residents there?—No.

168. Those who live permanently in the location are a good class?—Yes, very respectable. The men and women work in the town.

169. Do you think it would be advisable to put the municipal locations under the supervision of the Divisional police force?—It would give them a better chance to work the location. The present system in our location seems to work all right.

170. Has much stolen stock been traced to your location?—There have not been many convictions of natives residing there.

171. You know of some cases where convictions have been obtained there?—Yes.

172. How long have you lived in Cradock?—All my life.

173. I think you said that lashes would in a great measure put a stop to stock stealing?—I said it would have a good effect.

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174. We have had it on evidence that lashes do not do much good, and that the Kafirs prefer them to spending extra days in gaol?—Under the Stock Thefts Act they can be sentenced to imprisonment and receive lashes as well.

175. *Mr. Michau.*] As a rule, are lashes inflicted often?—A good deal lately.

176. *Mr. Rogers.*] What do you think of spare diet as a deterrent of crime?—That has a very good effect also.

177. More so than lashes?—I should think myself that a man would rather have lashes than be on spare diet for many days.

178. Would you favour a scheme of spare diet instead of lashes?—Before a man can be sentenced to spare diet it has to be approved of by a doctor the same as in the case of lashes.

179. What do you think of solitary confinement?—That would also have a good effect.

180. Even better than lashes?—The Kafirs dread the lashes, so that I cannot say solitary confinement would have a better effect.

181. *Mr. Michau.*] Do you think it is advisable to allow stock thieves to return to their former place of residence?—No, that should not be allowed, because it stands to reason they would know the locality and be able to do more mischief than an outsider.

182. Are the natives in the Cradock location anxious to seek for work, or do they prefer to be idle?—The better class are always trying to obtain work, but there are a lot of idlers.

183. Lately a lot of them have cleared out of the location?—Yes, but where they have gone to I do not know.

Mr. Ernest Robert Hobson, examined.

Mr. E. R. Hobson. 184. *Chairman.*] You are a farmer residing in Aberdeen district?—Yes, and I have been farming nearly all my life.
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185. Do you know the objects of this Committee?—Yes.

186. The Committee would like to know from you whether you are troubled with thefts of your stock?—I have lived for the last twenty-five years along the railway line between Graaff-Reinet and Port Elizabeth, and my experience has been more with reference to that particular locality. I must say I have lost stock in ones or twos for many years past on that part of my farm which lies near the railway, but have not been able to trace the theft to the railway employees, although I suspected them. My custom has been to discharge any native shepherds who seem to get too intimate with the railway employees, and that generally stops losses for a time. About six weeks ago two of my lambs were killed in one night about 600 yards away from the railway cottage, where there are about five native boys in charge of a ganger. I followed the spoor of two men close up to the cottage, and about 25 yards from the cottage they walked off straight to where these sheep were seen the evening before. They drove the lambs against my fence, and killed them, left the entrails and skin there, and took the head away with them. They then carried the lambs to the railway permanent line. The difficulty is the permanent way, which is hard metal. We traced the spoor towards the cottage, and round about the native huts we found the same spoor, but I could not find the shoe which made the spoor. The ganger assisted us in tracing the spoor, and he expressed his opinion that some of his boys had stolen the lambs. Unfortunately 24 hours had elapsed before I was able to visit their huts, and the natives had sufficient time to get rid of any indications. They knew I would search the huts as I never allow cases of

theft to take place without tracing them at once, so I was not surprised to find that all the meat had been done away with. About three weeks after that exactly the same thing happened. A small lot of sheep strayed out, and they were driven up to the fence close to the railway. A sheep was caught and killed and the meat was carried on to the railway line, and from there it is impossible to trace which way the thieves went ; but there was a little evidence to show that they went in the direction of the railway hut. Again the ganger said that he thought it was one of his boys, and his belief was so strong that he told the boy he would have to go. My strong suspicion is that the shoes were doctored, or that they use different shoes for stealing. I may say I failed in both cases to trace the thieves. On the first occasion I wrote to the Resident Engineer in charge of that section complaining that there had been stock thefts, and that the circumstances, which I detailed to him in my letter, strongly pointed to a case of theft on the part of the native employees there, and I wished he would take some sort of measure to prevent a recurrence of this nuisance. In reply he wrote expressing sympathy with me, and said, very unnecessarily I thought, that the native railway employees were subject to the same laws for theft as any other person. I may say I have lived a long time near the Railway line, and whenever there have been washaways and an extra number of men employed I have always had losses. It has been my practice all the time I have been farming in the neighbourhood of the Railway to supply the gangers and natives when they want slaughter stock, at a cheaper rate than I was getting from butchers and other men, for the simple reason that I thought it would be a good thing to know that these men had no hindrance placed in their way of getting meat from the farmer, and that every assistance was given to them.

187. Have you any locations in your neighbourhood ?—No.

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188. I suppose your farm is fenced?—Yes, practically.

189. Do you find that fencing prevents stock thieving?—No, I think it makes it worse; because if we let our stock run night and day near the railways there is no native herd in charge, and it is impossible for me to do so now without losses.

190. You say you have had no convictions lately?—I cannot bring up a case and get a conviction.

191. Is it your experience that it is very difficult now, owing to the education of natives, to bring a crime home to anyone?—Yes, I find that is so. They know a good deal about destroying evidence.

192. In your opinion, do you think the sentences at present given by judges are sufficient to suppress stock thefts?—I do not think they are sufficiently heavy.

193. What do you think would have the best effect to suppress stock thefts—deportation, solitary confinement, spare diet or lashes?—Deportation would certainly have a deterrent effect. I am certain a native knowing he would be sent overseas for stock thefts would be deterred from committing the crime; but I think lashes have also a deterrent effect.

194. Do you think our police force do their duty properly, and that they assist the farmer in suppressing stock thefts?—We have the Cape Police, and they are doing their best. They are very willing to learn, and they are learning, but it appears to me the majority of them are not Colonial men. There are Colonial men amongst them, and these seem to be more useful in obtaining results. They seem to be trying to do their best and there is a very capable officer in charge at Graaff-Reinet.

195. What class of men would you recommend the police should consist of?—Colonial men. Men who understand English and Dutch, and as much as possible Kafir.

196. And know the districts?—Yes, and the habits of the people. They are not so easily taken

in. The native can be very clever in his arguments, and may take in a man who does not know him.

197. *Mr. Pretorius.*] Your opinion is that along the railway line there is a good deal of stealing by the natives employed on the line?—That is my experience.

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198. Do you think that if Government provided rations for these Railway employees that that would be a means of stopping these stock thefts?—My opinion is that that would be a great help, and it would lessen stealing along the line if Government would provide some meat rations to their native employees.

199. Do you think that there should be more inspection over these employees?—Yes, I think more inspection is required, as the present is quite insufficient.

200. Also, when these employees complain they are ill it should be seen that they really are ill and are not merely making that an excuse for failing to come to work?—Yes, I have not had experience in that respect and cannot say whether there is much of it, but I can quite see that could happen easily.

201. From your experience, do you think that the police go about the tracing of stock thefts in a proper way, and that they are acquainted with the local conditions?—I said they were doing their best, and were very willing; but I think they might be better.

202. It is better to get men from the police who know the country and understand the Kafir?—Yes.

203. *Mr. Hurndall.*] Your experience is that of one living along the railway line?—Yes.

204. Can you give the Committee any suggestion as to what means to adopt to suppress stock thefts?—As was suggested previously, getting the employees some meat rations would be of great assistance.

205. Can you suggest anything for tracing these stock thefts and bringing them home, say by means of detectives?—I think the gangers ought

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to be made responsible in some way for the natives under their charge. I am not much in favour of detectives, as they get known before long.

206. You think the ganger should be made to a certain extent responsible for the natives under his charge?—Yes.

207. Do you find many visitors or idlers about these camps?—Yes, it is a very common practice for natives to call at the railway native huts and spend a night there, and then pass on.

208. They do that?—Yes, it is not supposed to be so, but it is done.

209. You think this should be stopped by the ganger?—Yes, I should make him responsible for the conduct of the natives under his charge.

210. You are no doubt aware that an Act has just been passed giving a Magistrate power to get compensation for stock stolen, and if the thief is unable to give compensation he gets an extra term of imprisonment?—I certainly think that will be of service, and where it is a railway employee, I think the Government should pay it and get the money back from his pay.

211. That is only on conviction?—Yes.

212. But when the native is convicted, he is no longer in Government employ?—His pay has still to come and instead of paying it to the man's wife it should be used to pay the compensation.

213. If you get conviction you think that man would be in a position to pay compensation?—Yes.

214. You think that would be satisfactory?—Yes.

215. *Mr. Pyott.*] Have you had many convictions against Railway employees?—No, it is difficult to get the convictions as they are more clever than other natives, and they have the permanent hard way to walk over.

216. *Mr. Rogers.*] Do you ever lose sheep in large lots?—No, I have not lost any large lots.

217. Most of your losses are through petty thefts?—Yes.

218. Have you a divisional police force in your district?—No, only Cape Police.

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219. How often do you see them on your farm?—There are two stations about four miles from the farm and these patrol the neighbouring farms, so we see them pretty frequently.

220. Do they patrol at night or only by day?—Both night and day.

221. I suppose your own servants help themselves occasionally to a fat hamel?—I have never, during the twenty years I have farmed, been able to trace a case of theft to one of my servants, and I put that down to the fact that I ration them heavily in meat.

222. What remedy would you suggest to diminish these petty stock thefts?—I think we must increase the police force, and get in as many Colonial men as possible, and the increased punishment and payment for goods stolen will have a deterrent effect as well.

223. Do you believe in the detective system?—Not for our part.

224. Why?—Because a detective would be known as soon as he came to our part. It is a sparsely populated part, and it is difficult to bring a man there without his being spotted at once as a detective.

225. How many members of the police force have you in your division?—About seven.

226. What is the size of the division?—I cannot say, but it is a very large district.

227. *Mr. Pyott.*] What would your losses amount to in a year?—I lose on the average two sheep a month.

228. *Chairman.*] How far are you away from the nearest township?—4 hours from Aberdeen, 4 hours from Jansenville, and 40 miles from Graaff-Reinet.

229. Is there a native location in each of these towns?—Yes.

230. Do the farmers who live near the towns complain more of stock thefts than you living a long way off?—Yes, I believe so.

Monday, 8th May, 1905.

PRESENT :

MR. MICHAU (Chairman).

Mr. Rogers.

Mr. Hurndall.

Mr. Claassens.

Mr. Wilmot.

Mr. Jacob Glen Cuyler, examined.

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J. G. Cuyler.
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231. Do you know the object of this Committee?

—Yes.

232. You are a farmer?—Yes, in the Uitenhage district.

233. How long have you been there?—All my life.

234. Have you always been farming in that particular part?—Yes.

235. Have you any complaints with regard to stock thefts—have you been troubled lately?—Yes, we have been having cattle stolen constantly.

236. Any sheep?—No, only cattle, as we do not farm with sheep.

237. Do you find that you have more trouble now than formerly with these thefts?—No, I think it is about the same.

238. Have you any native locations in your neighbourhood?—Yes, on the Commonage of Uitenhage.

239. Where does your stock go when it is stolen—where do the thieves live?—I might explain that I have three farms, all fenced in one block. I am rather unfortunately situated; on the east side I have a large Salt Pan, employing a number of natives, on the north side I have the Town Commonage of Uitenhage, and towards the west what was the old Mission Station of Bethelsdorp.

240. Are there locations in Uitenhage?—Yes. There are about 3,500 inhabitants in the Uitenhage locations and 800 huts.

241. Were you ever successful in tracing some of these thefts?—Lately we have traced very few;

sometimes we have traced them over the boundary of the farm and then the spoor has been lost.

242. What do you put that down to?—I put it down to improper supervision on the part of the authorities over the locations as far as that part is concerned.

243. Is it more so now than formerly?—No, I cannot say that it is.

244. During the last fifteen years is it not your experience that it is more difficult to get a conviction than formerly?—We used to get a conviction now and again, but I have not had one lately.

245. You farm chiefly, and go in for cattle?—Yes.

246. Do they take away the cattle?—Yes, they do, and they will kill a cow and eat it in one night.

247. Is fencing any help to you as a farmer?—No, as the wire fences have frequently been cut and the stolen stock taken through. Then I have public roads running over the ground too.

248. As a practical farmer, you know the working of the police and our present Acts: what would you suggest to suppress these stock thefts and also to detect them?—Well, when the old Divisional Police recruited locally from men who knew the country, it was more satisfactory than it is now.

249. Do you have the Cape Police now?—Yes.

250. And it is less satisfactory now than it was formerly?—Very much so, in fact I and two of my neighbours do not report our losses any more because so little has been done; and then we had an unreasonable message from headquarters informing us that the reports of stock which had been lost and reported, had been taken off the Patrol Sheet because they were not sent in time. I consider that unreasonable: before reporting a loss, a man would naturally scour his farm and make sure whether he has lost any stock. As I have 6,000 morgen of bush-veld

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enclosed in three sections, this naturally takes time.

251. Speaking about the police, that is the Divisional police,—how were they manned?—They were chiefly young Afrikanders and men who were accustomed to the country and the district; and, what I thought of more consequence, they knew most of the loafing population at sight, whereas the newly imported man does not.

252. Are the Cape Police mostly imported men?—I think so.

253. And they do not know the character of the people nor have any knowledge of the country?—That is my experience.

254. Are you satisfied in your own mind as to the class of people who steal in the majority of these cases?—Natives chiefly, as far as my experience goes.

255. And you have had no conviction for many years?—Not for a long time.

256. When you get a conviction, is the sentence severe enough to be deterrent to the crime?—I do not think so.

257. What kind of punishment would have the best effect do you think,—imprisonment, deportation or lashes?—If it were possible for a thief to make compensation to the owner for the slaughtered animal, that, I think, would be good; or, if you could trace the thief to a private—or any—location, make the owner of that location responsible.

258. Could you give us any idea of the number of stock you have lost lately?—This year from January to April we have only lost three head of cattle.

259. If these locations were under the supervision of the Cape Police and not the Municipalities, would it be better?—I think it would, and I think they should concentrate these locations round the towns. On Uitenhage Commonage, I think they have eight locations spread over six or seven miles; with one exception, they have no official there, and that one official is a native. There is no proper supervision at all, I think.

260. If you could concentrate these locations to one particular point, and if the Municipality were compelled to enclose these locations with proper barbed wire fence, would that not help the police?—Certainly, but I should say concentrate them into two lots, one on either side of the town, so that they would be saved walking far, in going to and returning from their employment.

261. You would not wish to interfere with the privileges of these people, but you think that if a small number of police were to be put to each of the small entrances that would do?—Yes.

262. What is your idea of deportation after the second conviction?—I think it should have a good effect.

263. Is it better than lashes?—No, I do not think so.

264. Is that the only remedy, viz., that these locations should be concentrated and well fenced in. Do you think that would have a better result?—Yes. And then if a loose native comes into the location he should get a pass from the chief official in charge, allowing him to remain there for only a certain number of days.

265. Can you give us a reason why you are so unsuccessful in detecting these thefts and not getting convictions?—Well, we have roads over my farms, and when we come to follow up the spoor, and it crosses the road, we lose it. Then there is a lot of bush where the cattle run, and it is often a day or two before the slaughtering place is found, and spoor, consequently, gets obliterated.

266. If you actually find the meat on these persons do you find it difficult even then to get a conviction?—Yes, the natives know so much about the law that they know what to do to evade it. I had a native apprehended over that, and he said he found the meat on the veld. He was acquitted, notwithstanding that he had the meat; but he said he found it on the veld.

267. Were the Native detectives of any assistance to the farmers?—No, I do not think so.

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268. Why not?—Our natives are pretty knowing, and they soon seem to find out he is a detective.

269. *Mr. Rogers.*] Are these thefts traceable to the native locations or not?—Invariably, I may say, to a location on either the one side or the other of my farm.

270. How many police have you stationed in your district?—I cannot tell you the exact number, but I think about twelve stationed up near the Springs at Uitenhage.

271. How large is your Division?—It runs from Alexandria boundary on the east, that is, the Sundays River and Zuurberg Mountains to Port Elizabeth on the South, Gamtoos River on the West, and North to a line cutting the Graaff-Reinet railway at Baroe Kraal. Then there is a small force stationed at Kleinpoort—a corporal and two men.

272. Is the number of police too small to do the work considering the large area?—I think if the men were more up to their duty, and stationed farther apart, it would be more satisfactory. In Uitenhage they have a main police camp.

273. Do you think if the municipal locations were placed under the supervision of the Cape Police that stock thefts would diminish?—I think so.

274. Would you recommend that system?—I would.

275. *Mr. Hurndall*] You say you only lost three head of cattle this year; what is your average loss in twelve months?—About six.

276. Do you know if your neighbours lose a like proportion?—I cannot say, but I fancy they lose some too.

277. And you attribute it to the locations?—Yes.

278. To the Municipal or the other locations?—Both.

279. Do you find the most from the Municipal locations?—I think they are the worst offenders.

280. There is no supervision over the Municipal locations?—Practically none.

281. If the Cape Police took it over would it be better?—Yes. Mr.
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282. And other locations?—I would make the owner of a private location responsible. May 8, 1905.

283. In tracing these thieves whom do you find generally to be the ones?—They are nearly all Kafirs.

284. Are the Kafir women connected with the thefts at all?—They are always the carriers of the meat of slaughtered animals, and the consumers.

285. If the Kafir women were made equally liable would it be deterrent?—I think it would.

286. Have you ever known any women prosecuted?—Never once, although we have caught them in the huts with the meat, but they have not been arrested.

287. Are there many idlers in the Municipal location?—I am not sure, there must be a number of them.

288. If the Vagrancy Law were in force would it do away with these?—Yes, I think so.

289. Do you know whether the Cattle Removal Act is in force in your District?—Yes, I think it is, but it is a dead letter.

290. Why?—Well, people will not take the trouble to carry it out and the police do not seem to enforce it.

291. If it was strictly enforced would it help you?—Yes, a great deal, i.e., in cases where stock was driven away and not slaughtered on the spot.

292. If the Act were amended,—say, that you wanted to remove your cattle, and went to the Police and got a stamped Pass; would that help you?—Yes, it would. The natives are much more educated than they used to be, and they very often forge the Passes for themselves.

293. You say the punishment meted out is not deterrent: is that owing to the Magistrate's judgment or the Act?—Well, that I could not say. In many cases I fancy the Magistrates do not seem inclined to fix a heavy penalty—they seem to be too lenient.

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294. If these Magistrates set these thefts to be tried by a Judge on Circuit would it have a good effect?—It would be better, I think.

295. Have you known of any large thefts of cattle in your district?—No, but I have heard of them in the next district, that is Alexandria.

296. Can you give us any particulars of large thefts there?—About three months ago 26 oxen were taken away in one bunch.

297. Were they ever recovered?—All, with the exception of one.

298. Can you give us particulars of that theft?—They were traced right down to Lower Albany and were recovered by a young Colonial policeman.

299. And they got to Lower Albany, without being detected?—Yes, and that was along a high road; the Police were stationed at Sandflats instead of on the main road.

300. Were they long in tracing them?—I think about a fortnight.

301. You said just now that a native was apprehended for having meat in his possession: on what grounds was he acquitted?—The case was tried before a judge on Circuit at Uitenhage, who told the native that he ought to have reported the matter to his master before using the meat, and the jury acquitted him upon the judge's remarks.

302. *Mr. Claassens.*] Are you in favour of Colonial Police—that is, white men?—Yes.

303. Have the stock thefts increased or decreased during the last three years?—I think they are about the same. The easiest time was during Martial Law, for then they could not move about the country.

304. Are the thieves all natives, or are there any white men?—In my district I think there has only been one case of a white man stealing.

305. What punishment would you favour?—If the thief is capable of paying compensation I should make him pay, in addition of course to his receiving hard labour.

306. Are you in favour of giving him lashes?—No, I cannot say I am; i.e., lashes alone and turning

him adrift. There are cases where lashes are very good, but, generally speaking, I am not in favour of it.

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307. You of course understand those natives very well?—Yes, I was brought up amongst them.

308. They often keep dancing parties after they have stolen some cattle or so, do they not?—Yes, nearly always.

309. *Mr. Rogers.*] I suppose you think that the number of police stationed in your district are totally inadequate to suppress stock thieving?—Yes, I think so, taking the nature of the district into consideration.

310. *Chairman.*] You are in favour of enclosing these enclosures with a good fence; if that is done, will the present police staff be sufficient?—I think they would be sufficient if they were recruited locally.

311. You say you have been losing rather heavily, viz., six cattle per annum; would that apply to all your neighbours?—I could not say, but I know that they often have lost.

312. Generally speaking, are the farmers troubled a lot with stock thefts?—I think they are.

313. How is labour in your district?—Just now it is getting more plentiful than it was.

314. Are these native locations any advantage to the farmer?—Decidedly not. Even the farmers who have locations on their farms complain that when the reaping is going on they cannot get help from the natives, who are too busy reaping their own crops.

315. And how is beer-drinking in your neighbourhood?—It is not so bad as it was.

316. Have you any other suggestions to make as regards detecting or suppressing this stock thieving?—One point which has always struck me is that the ordinary policeman is not protected enough. What I mean to say is that, in cases where a policeman gets amongst a rowdy lot of Kafirs, and happens to wound one of the thieves, he has to find his own defence, and often the

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native gets off because the policeman is afraid to take active steps to apprehend him. Of course, it is rather a ticklish matter,—we do not want indiscriminate shooting, but at the same time, I do not think the policemen are properly protected in the execution of their duty.

317. Do you think the police get enough encouragement to detect stock thieving from the Court?—I do not think so. Another thing is that if a farmer offers a reward for the recovery of stolen stock, there is such a lot of red-tape to go through before the policeman gets his reward.

318. Do you think compensation would have a good effect? What amount would you fix—a heavy penalty, or the market value of the stolen animal?—I should say the market value.

319. And nothing more?—Yes, of course it would be reasonable to expect that the owner would require a little sum for his expenses. I think, however, that if the market value were fixed, it would satisfy the farmers.

320. How many cases are detected?—Very few, especially in our part of the country.

321. Do not you think that for that very reason a native would risk a lot, as there are only about 9 per cent. of the thieves caught; and he will think as there is only one chance in ten of his being caught he will willingly risk paying the fine, unless he is made an example of?—Yes, but the great difficulty is that the thieves, as a rule, have nothing to pay with.

322. In that case, after the conviction, you are in favour of transportation?—Yes.

323. *Mr. Hurndall.*] You say you are not in favor of corporal punishment. What kind of punishment does the native dread most?—Well, if he is capable of paying, I should say touch his pocket; but if not, then give him a longer period of hard labour.

324. Have you had any experience of the results of hard labour given to them?—No.

325. Do you think that if the Skin and Feather Act were enforced it would be of any assistance?

—No. The natives are too civilised down our part, and they never touch the skins.

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326. *Mr. Wilmot.*] Does flogging have any effect? May 8, 1905.

—I do not think so; that is, flogging alone without hard labour.

327.* Well, do you know that I heard the other day in a certain district that whenever a Magistrate is there who gives lashes there is no stock theft, and there are thefts when Magistrates do not give lashes. I am not taking the large thefts, but just a few sheep here and there?—Well, it is only a question of touching the thief's pockets or his hide.

328. Would you think that lashes in addition to the other punishment would do good?—Oh, yes, that certainly would do good.

329. *Chairman.*] It is quite clear that wherever we have native locations we have a lot of trouble. Unless there is something done to bring them under proper control and supervision do you think the farmers will ever get rid of these stock thefts?—Well, there is only one thing I can suggest, and that is for the farmers to shoot the thieves whenever they get the chance. Speaking from experience, there is one man in our district who boasts that in 23 years he has only lost two head of cattle. He shot at both the thieves, and one of the natives was a total cripple all his life, and the other was badly troubled with boils.

330. What did he use?—Buck-shot.

331. *Mr. Hurndall*] Do you find losses through railway employees?—No, we lose no stock through them, but they are the worst trappers of game in the district, and are constantly practising on mine and the neighbouring farms.

Tuesday, 9th May, 1905.

PRESENT :

MR. MICHAU (Chairman).

Mr. Rogers.

Mr. Claassens.

Mr. Hurndall.

Mr. Wilmot.

Mr. Pyott.

Mr. Pretorius.

Mr. George Aldridge Fincham, examined.

Mr. G. A.
Fincham.

332. You are a farmer residing in Queenstown ?

—Yes.

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333. Do you know the object of this Committee ?

—Yes. It is for the suppression and detection of stock thefts.

333A. You are farming in the Queenstown district ?—Yes.

334. Have you been farming there long ?—Yes, for many years.

335. Are farmers in your district troubled with stock thieving ?—Not to any alarming extent at present.

336. Is there less now than formerly ?—At the present time there is very little stock thieving going on.

337. Have you any large locations in your neighbourhood ?—The boundary is between my farm and the Glen Grey location.

338. Can you complain of any losses ?—Occasionally, but nothing more than usual.

339. Under whose supervision are those locations—the Cape Police or the Municipalities ?—They are under the Police supervision.

340. In your opinion have the farmers in the district of Queenstown any grievance as regards stock stealing ?—As far as I am aware there is nothing in my district calling for legislation at the present time.

341. Have you the Cattle Removal Act in force in your district ?—Yes.

342. Do you think it checks stock thefts ?—I cannot say it does to any large extent, for the

thefts take place at night and for slaughter purposes when they do happen.

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Fincham.

343. *Mr. Claassens.*] Are there many police there? —Just the ordinary number.

344. *Chairman.*] Do you know the class of men the police are composed of—are they Colonials, natives, or imported?—They are both, in fact the majority of them are Europeans.

345. Have you many detectives in your district? —We have a good number of them.

346. Do you think their services are beneficial? —I do not believe in them myself to any great extent. In fact I do not believe in the native detective at all except in very rare instances.

347. But why are there so few stock thefts in your district?—To a large extent the natives have left for the Rand, and a very large number indeed of them are away at present. They also come down to Cape Town and go out to work. They are getting more in the habit of going away and seeking work.

348. How far are you living from Queenstown? —About 16 miles.

349. Have they a Municipal location in Queenstown?—Yes.

350. Are you aware of any trouble there?—Yes, there are plenty of complaints from the surrounding farmers; stock thieving is much more rife there than in Kafirland.

351. So you think there is a distinct difference between these Government and Municipal locations?—In my part of the country there is certainly a distinct difference.

352. Do you put that down to the different supervision?—I am not justified in saying that. I think the Queenstown natives are under as good a supervision as any natives in the country.

353. If the supervision is all right, to what do you attribute the stock thieving there?—To the fact that there is no stock thieving going on in those districts.

354. Do you think the majority of the stock thieves flock near to the towns to thieve?—No, I

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think there is a large floating population in the locations, and the tendency is for the loose characters and thieves to congregate in the Police locations.

355. *Mr. Hurndall.*] Are the farms fenced in your district?—Entirely.

356. Has that to do with the want of thieving?—It has a very great deal to do with it.

357. *Mr. Rogers.*] How long have you been farming in the Queenstown district?—Between 30 and 40 years.

358. And you think that stock thieving is less now than it was 30 years ago?—Yes, I do.

359. Then you think there is no occasion to have the police force increased in the country districts?—No, I do not advocate that for one moment. I think the improvement should lie in another direction, that is, to work the present police force better.

360. And what would you suggest?—Well, I would not like to enter into details of that nature.

361. But have you any suggestions to make which would be of service to us?—Well, at Imvani we had a police force stationed for many years, and the year before last they were removed down to Tylden. Imvani is really the outlet for the whole of the Transkeian Territory; Tylden, on the other hand, has no connection with the Transkeian Territories, except by by-paths. I thought the removal of the police force down to Tylden very bad, as we were losing touch with the natives, and on representations being made from me to the sub-inspector at Queenstown, I was told that it was on the score of economy, so I do not know whether the Government brought pressure to bear on the police. To minimise the effects, the inspector determined to make daily patrols in every farm in the neighbourhood. That was killing the men's horses, and the natives knew what time to expect the police, and I am only surprised that no worse results have accrued from these movements.

362. *Chairman.*] Can you tell us the distance from your farm to the nearest police station?—At present it is 12 miles—it used to be 2 miles.

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363. Do you attribute that as a reason why you are not losing much stock?—That may have something to do with it; it has certainly kept matters quieter.

364. *Mr. Rogers.*] Do you allow your stock to run by night and day?—Yes, and a good number of sheep too.

365. I suppose you have petty thefts among your own servants?—Very occasionally.

366. *Chairman.*] Are your farms enclosed with barbed wire or wire netting?—Mostly with barbed wire.

367. Can you suggest anything to stop these stock thefts?—The certainty of detection would have a better result.

368. But how are you going to get these convictions?—Through the police force if they do their duty properly.

369. *Mr. Rogers.*] Do you believe in the detective system?—Yes, if it is properly carried out.

370. What would you suggest then as the best means of detecting these crimes?—Through the detectives, but not in the way as is done at present. I think the native detective should go out in his raw costume and appear as a raw native. The natives on the farms know within twelve hours that a native detective is amongst them.

371. Are you in favour of the police wearing uniform?—I suppose they must have some distinguishing clothes to wear.

Mr. William Thomas, M.L.A., examined.

372. You are the member for Albany?—Yes.

373. Are you a farmer?—Yes.

374. Have you had any complaints, or do you suffer through stock thieving in your district?—We have had a good deal of it—cattle, sheep, and even poultry have been stolen.

375. Are there any native locations in your neighbourhood?—Yes, there are a good many.

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W. Thomas,
M.L.A.

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Mr.
W. Thomas,
M.L.A.
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376. Can you trace the thefts to any of these locations?—I think it is done most by people squatting on those locations, not the owners of the huts.

377. Are they private locations?—Yes, they are mostly private locations.

378. *Mr. Wilmot.*] Can you give us an approximate idea of what stock you lose in the course of a year?—Well, I cannot do that.

379. About 10 per cent., say?—Not so much as that.

380. *Chairman.*] You say you are losing cattle, were they driven or slaughtered?—Well, we have had cattle driven out, and after they have been driven out I believe they are slaughtered, although we have had cattle driven right out of the district.

381. Have you had any convictions lately?—Yes.

382. What punishment do these natives get?—In one case where seven head of cattle were driven out of my district, and traced to near King William's Town, five were recovered, one had been slaughtered, and one sold. Two Kafirs were caught. The two were seen driving these cattle, one got three months, and the other was acquitted. I was told, and I believe it is perfectly true, that that this man went from prison and stole 26 slaughter oxen; these were driven along the main road from Port Elizabeth to Graham's Town, and traced down to near the coast near there, and they were all recovered but one, which had been slaughtered.

383. Did they catch the thief again?—Yes, when I left he was awaiting his trial.

384. Do your neighbours lose much stock?—Yes, they lose sheep and cattle.

385. Are any of your farms enclosed?—Yes, they are all enclosed.

386. Does this fencing diminish the stock thefts?—Well, they are confined to the roads through the fencing, but the roads and thoroughfares should be guarded by the police.

387. What would you suggest to suppress stock thieving?—One thing would be that the police be ordered to strictly carry out the Cattle Removal Act, or see that it is carried out, and I think the police should be stationed on the main roads and thoroughfares. It seems to me that there is a tendency to place the police at railway stations. We had police stationed on the main road on which these cattle were driven, and I feel sure that if the police had not been taken away the cattle would not have been stolen. Another thing is, I think that where women are found to be accomplices after the fact they should be punished. The native is very fond of his children, and if he knows his wife is liable to be taken away too, I think it would have a good effect. I think myself that it would also be as well to have the Vagrancy Act brought to bear upon the people too, for this reason :—a Kafir hires a hut from a farmer, and his relatives come and squat there. They believe in witchcraft and a Kafir will not turn his relatives off. I believe the squatters are the people who do the mischief. With regard to punishment, I think the law is pretty severe, but those administering it make the sentence too light. The punishment should be more severe, and I think they should sentence them to solitary confinement, which would be a very severe punishment to the native. I think the Skin and Feather Act should be carried out more strictly too, and I would just say that it is a great advantage when the police can speak the language and know the ways of the Kafir.

388. Would you recommend more Colonial men ?
—Yes, or train the other men to the work.

389. Would you be in favour of transportation after the second conviction?—No, I would rather be for solitary confinement. Transportation would be a very, very severe punishment to them.

390. But would not that have the desired effect ?
—Yes, there is no doubt about that.

391. Are you in favour of lashes being given to them?—No, I am not.

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392. *Mr. Wilmot.*] Why?—It is thoroughly demoralising and degrading. One good effect it would have—he would be branded.

393. *Mr. Rogers.*] Do the squatters pay a rent to the farmers?—Yes, and then they are under the supervision of the Inspector of Native Locations.

394. As a rule, have they any stock?—Yes, they generally have stock, but I know cases where they have no stock, say, men working on the railway at Port Elizabeth, and these only get the right to put their wives and families in the locations.

395. Is it a sort of resting place for people who go out to work?—Yes. Then the worst of these places is that their friends go there and live there month after month; they are the people who do the mischief, and I think it would be a very good thing if we had some law limiting the time of their stay and have them punished if they exceed that time.

396. *Mr. Hurndall.*] You think there should be some improvement in the Skin and Feather Act: what would you suggest?—I think the police should go to every shop and place of business and examine the skins and feathers and compare the books with the notes of those who sold the goods to them. It is not so necessary perhaps as regards feathers as it is as regards stolen stock.

397. Do you think the Cattle Removal Act effective if it is carried out properly?—I think it would have a good effect if it were carried out properly.

398. Especially if the landowner gives a pass for the removal of cattle?—Yes.

399. Have you found any natives forging passes? No, I have not.

400. Do not you think it would be far better if the farm-owner gave a note to the nearest police officer for him to issue a stamped pass?—That would be very good if it were convenient to the farmer, *i.e.*, if the police station was near to his farm—I think land-owners can be trusted. It would certainly stop the forging of passes.

401. Have you ever known any women implicated?—Only so far that it is in the hut and that they eat the meat knowing it to be stolen. Where the cattle is slaughtered in the veld they often carry the meat, and they will do all in their power to give intimation of danger; in fact they really act as spies.

402. Have you heard of any convictions against women?—No, as a rule the men only are punished, and the women are let go. I heard of one place where the police came into a hut and one of the women was sitting on the meat which had been stolen.

403. What supervision is there over the locations?—We have the location inspector.

404. For each location?—No, for the private locations. He is supposed to visit these locations periodically, but the farmers complain that it is not done so well as it should be.

405. Is one location inspector sufficient?—Yes, if he will do the work.

406. And your experience is that they do not do the work?—They do not. I am inclined to think that the inspection of these locations could be done very much better by the officer in charge of the police in each district.

407. You think the police should have complete control?—No, not the complete control, but I think the police officer should take the place of the inspector. Naturally the natives would not like their places stormed by a body of police, and as the police are patrolling all over the district they would know who has just arrived.

408. Do you suffer through the railway employees thieving?—I am a good way from the railway station, but I have heard many farmers complain of it.

409. You think the fencing of your farm is any protection?—Yes, it limits them to the road.

410. Do you find the thieves cut your fences?—No, they lift the sheep over the fences, and drive the cattle out of the gates.

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411. The losses you sustain must amount to a good deal during a year?—Yes.

412. And your neighbours also suffer in the same way?—Oh, yes, we have a lot of woodcutters in the Adder Bush, and cattle have been traced to them.

413. Are these woodcutters employed by Government or by private people?—By private people.

414. As regards the large lot of cattle stolen, were they driven from Alexandria?—Yes, they were driven through Grahamstown, Alice, and on to King William's Town.

415. Had the police any intimation of the theft?—Yes, and I do not know why they did not catch the thieves sooner.

416. *Mr. Pretorius.*] Do the police patrol along the road or through the veld?—By road.

417. Do you allow them to go into your farm?—Yes.

418. Do they patrol by night?—Most of the work is done by day.

419. Do the police give satisfaction?—I cannot say they do.

420. *Mr. Wilmot.*] Is there any canteen near you; how far is the nearest?—About eight miles.

421. Do not you think this plan of giving canteen licences on the road-side has an injurious effect as regards stock theft?—Yes, I really think so.

422. *Mr. Rogers.*] Would you recommend the abolition of the native location inspectors altogether?—Yes, I would recommend that and for the police officers to take over their duties, but I should be very sorry that it should mean the police to storm the place; they should simply act as the inspectors do.

423. *Chairman.*] As regards the skin and feather removals, supposing the buyers took out a licence for buying, would it be an advantage; at present everybody can buy skins?—Yes, that would be a good thing.

424. Would you make locations — whether Government or belonging to private parties—

responsible for all these thefts?—I believe that is embodied in the Location Act, namely: that if the theft can be traced to that location the owner of the location is liable.

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425. If these locations were well enclosed with a very good fence, would it assist the police, especially as regards the town locations?—Yes, that would be an advantage; it would certainly be easier for the police to trace the spoor of the cattle if they were limited to certain entrances.

426. Have you any further suggestions to make?—I think it would be better if the police patrolled in plain clothes instead of in uniform, as the Kafirs watch them from a distance and know when they are coming.

Wednesday, 12th May, 1905.

PRESENT :

MR. MICHAU (Chairman).

Mr. Rogers.

Mr. Hurndall.

Mr. Pyott.

Mr. Pretorius.

Mr. Wilmot.

Mr. William Thomas, M.L.A., further examined.

427. *Chairman.*] I believe you have some further suggestions to make?—I think that locations should not be allowed without the consent of the Divisional Council and the site approved by them. My reason for saying this is that the natives in my district like to get into the Krantz Kloof and other unsuitable places where the police cannot easily get at them, and I think that should be avoided. Some of the locations are placed on the outside boundary of farms, to the curse and loss of the neighbourhood. I think private locations should be within a radius of half a mile of the dwelling of the owner of the farm if he is living on the farm, because then he could to a certain extent supervise it.

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428. *Mr. Rogers.*] Are there many of these locations in your district?—Yes, there are a good many.

429. I suppose the farmers derive a good revenue from them?—Yes, they charge a good rent and these people are generally working at Port Elizabeth and on the railway. I would like further to add that the law should be very strictly enforced as regards visitors to the locations. They should have permission from the owner only to stay seven days.

430. *Mr. Pretorius.*] And if they remain longer than the time they should give a reason for being there?—Yes.

*Mr. William Babington Magennis,
C.C. and R.M. of Aberdeen, examined.*

431. *Chairman.*] You are the Resident Magistrate of Aberdeen?—Yes.

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431A. I suppose you know the object of this Committee?—Yes.

432. We would like to profit by your experience as a magistrate, and would like to know, first: whether you have many cases of stock thieving brought to your notice?—I am pleased to say that they are not of very frequent occurrence of late years in my district.

433. That is lately?—Yes.

434. And formerly?—I believe there were a good many.

435. To what do you attribute that?—Most likely to the thieves being severely dealt with. For instance, I may say that I am in favour of the moderate use of the lash.

436. Do you make use of that often?—Oh, yes.

437. Then that has a deterrent effect?—Certainly.

438. In your opinion should sentences be more severe?—The punishment should always fit the crime, and of course if you want to put down stock thefts you must use the lash—natives do not care a bit about imprisonment. I think, in fact, that natives often have a good time in gaol. I may say

that recently we had a new style of lash sent to us and it is very much more severe than the old one—at least so it was reported to me by the man who used it.

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439. Then in your experience you find the use of the lash has a very good effect?—Yes, it keeps down stock thieving.

440. Is the Cattle Removal Act in force in your district?—No, it is not.

441. Would you recommend it?—I think it would be a good thing to have it enforced generally throughout the Colony.

442. In cases where the Act has been enforced, has it had a good effect?—I cannot just remember now.

443. What is your experience of the Brands Act?—Well, a lot of thieving has taken place in my district, particularly as regards ostriches. In one particularly glaring case, a man was charged with stealing seven ostriches. Prior to the war he had a very few birds, and after the war everybody else had lost a lot, but he had gained enormously. The police made a raid on his farm after they had received a report, and found that he had any number of ostriches and they were all over-branded. For instance, he obliterated brands by over-branding. There were obliterations caused probably by putting a flat-iron or a spade in the fire, and putting that over the previous brand. He was brought before the Circuit Court, and five out of seven counts were proved against him; he only received 18 months' imprisonment. Afterwards, a petition was got up in the town for this fellow, and his sentence was reduced to 12 months. Such a state of affairs of course is not calculated to do any good. Following that case, I brought the question of the registration of brands before the Divisional Council; it was adopted by them, the Act was proclaimed, and people have gone in largely for branding. Since then I have had no more cases of stealing ostriches. I think it is an excellent Act.

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444. Have you any locations in your town?—
Yes, we have the municipal location.

445. Under whose supervision?—It is supervised by an inspector appointed by the Municipality. I may state that when I was first appointed to the Division, there were several cases traced to this location, and I approached the Municipality; I got them to institute a vigorous course of prosecutions under the Vagrancy Act in the location. I turned their attention to Act 20 of 1891, which makes the municipal locations, so to speak, equivalent to a farm for the purposes of the Vagrancy Act; they were not even aware that such an Act was in force! Since then we have had no cases of stock thefts traced to the locations. They asked for my Chief Constable to be inspector. I was so far agreeable, but they wanted him to collect the rents, and I could not consent to that.

446. Are you in favour of the police taking over the supervision of the locations?—I consider the Cape Police would manage it much better. You see, the system is that nobody can go and live on the location without first having a pass, though if he wishes to slip through in the night—or even during the day—he can easily do so. The law, however, is that he has to have a pass from the inspector. The last prosecution I had (about three weeks ago) I think they ran in a batch of seven or eight, and I found that the majority were farm servants who had just come in to sleep during the night, and the remainder were boys working in the town, so I only imposed nominal penalties. If the offender is a vagrant then nothing short of imprisonment will meet the case.

447. How many men of the Cape Police are stationed in your district?—I do not remember exactly, but there were seven recently, and the farmers were very much dissatisfied,—the Government were requested by the Divisional Council to augment the number, and I myself approached the Commissioner of Police personally. He promised to do something. I fancy he has put a man, or perhaps two, on so as to bring up the number, but

what the number is now I cannot say. The dissatisfaction was that we had the one station in the town and they were supposed to do a peripatetic system of patrolling and if they had to go out of their way they simply killed their horses. There should be police stations in the Wards outside the towns where farmers could go at once for assistance. For instance ;—A man came from Willowmore and walked through two of these Wards where there were no police except the peripatetic patrolling and he went to the Field-Cornet's place and stole some cattle. He went straight into the Willowmore location and stayed there a couple of days, and although I wired to the inspector at Willowmore nothing was done and we had to send two of our men to Willowmore. I thought there was great laxity somewhere, and the police who were sent to Willowmore were naturally very much disgusted at the police not having caught the man.

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448. Do you think the heliograph would be of any use ?—I do, because the stations can at once get into communication with all the other stations in the division, whereas now they have to send a special messenger or write something by post, and by that time the thief has clean gone.

449. What class of men should be used for the police ?—I like the Dutch Colonial. I had a lot of experience before the war, and they were the finest lot of detectives we have had.

450. Do they know the Kafir language better than the imported man ?—The imported man is absolutely hopeless until he has had an experience of the country, and even then he must live here a long time to learn the ways.

451. Do you think the locations should be under the Divisional Council or the Cape Police ?—I am not in favour of them being under the control of the Divisional Council ; at the same time, I cannot say that I approve of the present system.

452. Are you in favour of the police wearing uniform ?—Certainly, they should be in uniform.

453. Are the native detectives of any assistance,

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—are they trustworthy?—Some are, and some are not. I think only those working with these men can answer that.

454. Our object is to find some means of suppressing and detecting stock thefts. Have you any suggestions to make?—I should like to suggest that Sections 36, 37 and 38 of Act 35 of 1893 should be in force all over the Colony. I may say that in most divisions there are a lot of small stores, or winkels. If you have not these Sections in force it enables the servants to clip the feathers of the ostriches, and to take the skins of stolen animals to the owners of these stores, and sell them at night. I got the Divisional Council at Aberdeen to put these Sections of the Act in force: now, nobody can sell produce between sunset and sunrise.

455. Does that apply to skins as well?—Oh, yes; produce, skins, in fact, everything. Then, according to the Juvenile Offenders Act, a youth up to 14 years of age may receive not exceeding fifteen cuts with the cane. The Legislature has persisted that boys above the age of 14, and of course up to 21, must be regarded as juveniles. Now, although I very often felt that a boy of 15, 16, or 17 should get a good caning and be released, I am either compelled to put him in gaol, where he herds with a lot of hardened criminals, or I must apprentice him; and I am not in favour of either of those systems. He can be sent to the Porter Reformatory, of course up to 16 years of age, and the Chief Justice has the right, in cases where the convicted person is over 16 and not above the age of 21 years, to order him to be apprenticed to somebody.

456. Have you read this new Act?—I just looked through it cursorily.

457. You object to the boys being associated with the criminals?—Yes, I think that a magistrate should be allowed to give a boy of upwards of 14 years of age cuts with the cane. As a matter of fact, a boy has often been brought up before me and I have sent for the father and have stated the case to him, and told him that the boy should

have a good thrashing, that I did not care to bring him before the court, as there is a certain amount of degradation attaching to these things, and in every case the parents have given a good "hiding," which has done him more good than putting him into gaol. I should like to see something done with regard to the suppression of Dagga. The farmers say that they—the natives—become so enamoured with this weed that they go off to some winkel to buy it, and in the meantime the thief comes along and does what he likes with the stock. The Divisional Council of Aberdeen approached the adjoining Divisional Councils and asked them to take steps to proclaim this as a noxious weed, but they all refused with one exception. It is a perfect curse.

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458. Are you in favour of all produce buyers for skins taking out a licence?—Certainly, and to keep an accurate account of everything they purchase.

459. If we could compel the municipalities or private owners of locations to enclose those locations properly, do you think it would assist the police to detect the stock thefts?—Yes. I presume you would have a double line of fence.

460. *Mr. Wilmot.*] Do you, as an experienced magistrate, think that it would be desirable for the suppression of stock thefts not to have any roadside canteens?—I am glad to say we have none in our district.

461. You are not in favour of them?—I am not. For instance, a man might bring a stolen skin and sell it and get the liquor.

462. Have you any ideas as regards deportation?—Well, I think if a man has been convicted a second time it would be an excellent arrangement—pack him off to the mines, for instance.

463. *Mr. Hurndall.*] Is much stock thieving going on by Europeans, or is it mostly natives who are the offenders?—Natives mostly.

464. Have you had any Europeans at all?—Oh, yes.

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465. And what kind of natives are they?—In my experience I think the Kafir is fonder of stealing than any other person, and I think the most effectual way to stop him is to lash him, to imprison him, and, if he has stock, fine him and seize his stock, which is the greatest punishment you can inflict on a Kafir.

466. Do you find Kafir women implicated in the thefts?—My experience is that wherever I have been women are so far implicated that they partake of the meat, but I have never found them going stealing on their own account.

467. Have you had any cases before you?—Well, they have been brought up with their husbands, but as the woman is supposed to be acting under the cover of the husband's wing, so to speak, the Court will never deal with them.

468. Do you think an Act dealing with them would have any good effect?—I am afraid it would not make much difference.

469. Do you think the locations would do better under the supervision of the Cape Police?—Yes.

470. As far as your locations are concerned do you find the Vagrancy Act work satisfactorily?—Yes, but then the municipality get a lot of assistance from the police. The chief difficulty is that a large number of boys and girls over 16 years of age are attached to each household, and they do no work, but simply loaf about the hut. I think it would be a good thing to force them to go out to work.

471. Does not the Vagrancy Act apply to that?—No, unless the municipality has a special regulation. I believe the municipality of Aberdeen are trying to remedy that.

472. In the locations there are a large number of squatters; do you think the Vagrancy Act should answer the purpose?—The Graaff-Reinet location is the curse of the Midlands—all the Kafirs go there when they want an asylum.

473. The Vagrancy Act is quite sufficient to deal with it if it is strictly enforced?—Yes. Of course

you have the option of giving a man a fine, but you can imprison him without the option of a fine.

474. Have you had many cases as regards railway employees thieving?—Not in my district, but I have had reports that thieving did take place when natives were working on the railway line adjoining farms.

475. With regard to the Cattle Removal Act; is that in force in your district?—No.

476. It provides that any landowner can give a pass for the removal of stock; do not you think that it would assist you if the farmer applied to the nearest police office for a stamped pass?—Yes, I think it would be an excellent thing to have an official stamp affixed to all these passes. For instance, the other day, a man stole a lot of donkeys, and went to a native boy, who was well educated. He dictated the wording of the pass to the boy, who wrote it out for him. He showed the pass, was questioned by the police, and satisfied them and the buyer that the pass was genuine, whereas it was not, and I have since sentenced the man to two years' imprisonment.

477. You are in favour of stamped passes generally?—Yes.

478. *Mr. Pyott.*] What became of the boy who wrote out the pass?—Well, he was a juvenile, and I got his father to give him a good thrashing.

479. *Mr. Hurndall.*] Have you tried spare diet—do you think it has good results?—It affects the Hottentot, but not the Kafir.

480. And lashes?—For years I have had them applied over the bare buttocks—I do not think the application of the lash over the back should be used; it is too much of a shock to the system.

481. You refer to Sections 36–38 of the Stock Act; is that similar to the Skin and Feather Act?—These Sections state that no persons may purchase between sunset and sunrise.

482. Is it not the Skin and Feather Act?—I cannot speak from memory; you see the Act *re* stock thefts has been amended so as to evolve the present Act of 1893.

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483. If that were enforced it would be a good thing?—Yes, in every way. For instance, if your servant stole your ostrich feathers, he could not very well sell them at night.

484. Is the jurisdiction given to the magistrate under the present Act sufficiently deterrent to stock thieving?—I have found it sufficient if you only carry it out. I have met magistrates who never sentence anyone to lashes, and in their districts you will find the gaols are simply full of stock thieves.

485. *Mr. Pyott.*] Do you think we have sufficient laws to deal with stock thefts?—Yes, if we make use of them.

Friday, 12th May, 1905.

PRESENT :

MR. MICHAU (Chairman).

Mr. Claassens.

Mr. Rogers.

Mr. Pyott.

Mr. Pretorius.

Mr. Hurndall.

Mr. Wilmot.

Mr. William Crosbie, M.L.A., examined.

Mr.
W. Crosbie,
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486. *Chairman.*] You represent Vryburg in the House of Assembly?—Yes.

487. You are a farmer?—Yes.

488. How long have you been farming?—About thirty years.

489. Have you always been in the Vryburg district?—No, I started in Albany. I have been in Vryburg about twenty years.

490. I suppose you know the object of this Committee?—Yes.

491. What we would like to know is whether you have many cases of stock-thieving in your district?—No, we have not many.

492. Did you find there were more in Albany than in Vryburg?—Yes. Wherever we get the Colonial Kafir we find stock-theiving going on. The boys who come from the south teach the men in our neighbourhood to steal.

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W. Croshie,
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493. Have you any native locations in your neighbourhood?—Yes, we have nine.

494. What kind are they?—Bechuanas and Batlapins.

495. What is the reason those people do not steal so much as the Colonial Kafir—are they more civilised?—I should think they are more stupid; they do not understand the way of stealing at present. When they get the Kafir in amongst them then they start stealing.

496. *Mr. Rogers.*] Then they are not born thieves?—No.

497. *Chairman.*] Then the more you educate them the more dishonest they are?—Yes.

498. What was your experience of Albany while you farmed there; did you have many complaints of stock theft?—Yes, they were very troublesome there.

499. What kind of stock did they steal?—Cattle, sheep and goats—they used to steal cattle wholesale.

500. Did they steal cattle for the purpose of killing it for meat?—Oh, yes, they did that repeatedly.

501. In your opinion, what would be the best means of checking stock thefts?—That is very hard to say. We found down there that the native detectives worked very well, they seemed to get at some of the thieving dens, and we rooted them out with the assistance of the native detectives.

502. Then, the native detectives answer very well?—Yes, speaking generally, they do.

503. What kind of punishment would be the most deterring—lashes, deportation or imprisonment?—I think spare diet and solitary confinement would be a good thing.

504. You do not believe in lashes then?—No, I think that has proved a failure. I have seen men

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who have been lashed dozens of times and they do not seem to get any better. Some of them have been lashed twenty times—those are professional thieves.

505. What do you think of lashes for petty thefts?—Well, it might improve the younger boys but not the older hands.

506. Do you think deportation after the second or third conviction would answer?—Yes, I think it would.

507. Did you find in Albany that where you had locations you had much stock thieving?—No, it was mostly all over the district.

508. What class of people did you find thieved the most?—Well, it was generally the Kafir servants of the neighbours.

509. *Mr. Wilmot.*] You do not believe in giving lashes?—No, my experience has been that it has no effect.

510. *Chairman.*] I suppose you have had some experience of enclosing farms with fences?—I have found that the thieves cut the wires. The fencing does not prevent them stealing if they are determined to do it.

511. Have you any experience of Municipal locations?—No.

512. What class of police have you at Vryburg?—They are all the Cape Police.

513. Do you think the Cape Police are doing their utmost to detect and suppress stock-thieving?—No, they do not do much in our district.

514. The farmer does not get satisfaction out of the police?—No.

515. Can you suggest any improvement? In what respect do they fail?—Speaking of Vryburg, they simply have a system of patrolling and asking if there are any complaints. I have never known them to arrest any thieves, the farmers, generally, have to do that and hand over the thieves to the police.

516. Do you think it would be better to have none but Colonial men who know the country thoroughly?—Yes, and I also believe in native detectives. If

you get good ones they answer very well. It is very difficult for a policeman in uniform to track these thieves, because the natives get a warning at once.

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517. It would be an improvement to revert to the old system of having the police under the Divisional Council?—No, I do not think that would help matters much, it was not very successful when they had it before.

518. *Mr. Wilmot.*] What do you recommend to prevent the tremendous stock thieving in the country?—I should like to see very severe punishment—longer sentences of imprisonment and spare diet, with solitary imprisonment. Also deportation after two or three offences.

519. In some districts where lashes are given for petty thefts the thieving disappears. Do you believe in lashes for those small thefts?—I think in those cases the lash would have a good effect.

520. *Mr. Rogers.*] Do you think the squatting system encourages stock thieving?—I do not think so, it is not my experience.

521. Then you approve of the squatting system?—Well, I do not think it affects the stock thefts in any way. Generally, when they squat they have stock, and you find that the man who has stock does not steal; it is the man who has no stock who does the stealing.

522. There is a good deal of squatting in Lower Albany, is there not?—Yes, there is.

523. Why is it encouraged?—I cannot tell you; it is twenty years since I left there.

524. There must be some reason for it?—Well, it is a source of revenue to the farmer.

525. Could not white men get a living out of these farms?—Well, the farmer seems to get more out of the natives.

526. And you do not think that this squatting system encourages stock-stealing?—No, not from my experience.

527. *Mr. Hurndall.*] Did I understand you to say that you have no experience of native locations?—

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Well, we have locations, but I could not say that natives on those locations steal more than the native servants.

528. Under whose supervision are those locations?—We have a Location Inspector.

529. Does that system work satisfactorily?—Where I live it does.

530. If it were under the supervision of the Cape Police would it have a better effect?—Well, they have an officer or man in charge.

531. Have you any experience of the Cattle Removal Act?—Yes.

532. Is that in force in your district?—No, but I approve of it.

533. If it were enforced would it have a good effect?—Yes.

534. Some of the evidence given here goes to show that it is not effective, owing to every landlord being in a position to grant a pass; do you think that if every farmer had to apply to a police officer, and had to obtain a stamped pass, it would have a good effect?—I think the landowner is best qualified to give a pass. A native could go to the police, and ask for a pass to remove certain cattle, and the police would not be able to tell whether it were stolen or not.

535. There has been a lot of forgery going on recently, has there not?—Yes, we are educating the native up to that.

536. If any one wants to remove stock, would it not have a good effect if he handed a note to the police and got a stamped pass?—Yes, but it would be a great inconvenience; sometimes they are 100 or 120 miles out from the police station.

537. If it could be carried out it would be effective?—It would be. As regards forged passes, I have not known of many in our part yet.

538. Do you find women are in any way implicated in these thefts?—Well, I suppose they assist the husband all they can to conceal the theft, and will not give any information, but I have not known of them stealing.

539. Do you know of any prosecutions of women for stock thefts?—No, I do not.

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540. Should the present punishment for stock thefts be more severe, do you think?—Oh, yes. Very often when these thieves are arrested and found out they only get three months. I should like to see them get a severer punishment.

541. Is that the fault of the Magistrate, or of the law?—I think it is the fault of the Magistrate, not of the law.

542. I suppose the Vagrancy Act does not affect you in any way?—We have the Vagrancy Act in force.

543. Is it effective?—Yes, it seems to gather up some of the vagrants wandering about.

544. And it has a good effect?—Yes.

545. *Mr. Pretorius.*] I understand there are about nine locations in your part?—Yes.

546. Do the men go out to work?—They all go to work on the mines.

547. Would these people have stock?—They have a large number of stock.

548. Do they plough and sow, and go in for agriculture?—Yes.

549. In your opinion, do you find these Bechuanas and Batlapins steal much?—They are not so wicked and apt to steal as the Colonial native, because they are not educated yet. The raw native, not being so civilised, does not seem to steal so much.

550. *Chairman.*] A new Stock Theft Amendment Bill was proposed this Session, under which a Magistrate can inflict a fine, and, if that is not paid, he can inflict a punishment; will the fine have a good effect?—Yes.

551. But you say they have nothing to pay with?—Well, it would have a good effect. In our parts some of the natives are very wealthy.

552. When you were farming in Albany did you have many losses of large stock?—Yes.

553. Did you have any convictions?—Yes.

554. And were the sentences sufficient?—In my case, I had nothing to complain of—they gave them

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twelve months' imprisonment; they had stock, and I also got compensation.

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555. In the Cradock district we had two cases, where the farmers were quite desperate, and shot the thieves; did any farmer down Albany way do that?—Yes; I had to revert to that.

556. What was the result?—I think I wounded two of them, and I had no more thieving for years; that settled it.

557. Of course, you reported the matter to the police?—It happened in the dark, and they ran; I fired a shot-gun. I reported the matter to the police; the thieves were arrested, and I got compensation from them, in addition to which they were locked up.

558. Then the effect was very good?—I do not think thieving has occurred there since.

*Colonel Macleod Bawtree Robinson, C.M.G.,
examined.*

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559. *Chairman.*] You are the Commissioner of the Cape Mounted Police?—Yes.

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560. How long have you been Commissioner?—We have only been amalgamated lately, but I have been connected with the police for some thirteen years. Prior to that, I had Magisterial experience.

561. You know the objects of this Committee?—Yes.

562. Judging by returns you have received, is it your opinion that stock thefts have been reduced during recent years?—The reports for last year indicate generally a decrease, at any rate since the amalgamation. I can only deal with a portion of the Colony prior to that, because the Force was split under different Commissioners. I can, therefore, only speak of the area with which I was then connected, and that was not a large stock-stealing area, namely, Griqualand West and Bechuanaland.

563. Now you have control over the whole of the Colony?—All, except the South-Western Districts.

564. Do you think that our present laws are sufficient, if well administered, to suppress stock

thefts, or have you some recommendations to suggest?—I do not think they are sufficient. I think we should deal specially with stock thefts.

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565. Have you any amendments to propose?—I should propose that no stock be allowed to be trucked at any up-country station, unless a permit is produced, or shown to the Station-Master.

566. A permit by whom?—Signed by a Justice of the Peace, a Field-cornet, or a Police Officer.

567. At present, of course, any landowner can give a permit?—Yes.

568. You would have that done away with, or would you still include landowners?—I should be inclined to limit it to Justices of the Peace, Field-cornets, and the Police. I should not allow stock to leave a district without a permit, but at the same time, I consider there should be special provision to meet the case of farmers trekking for veld.

569. Is there not enough provision for that under the present Cattle Removal Act?—No; I think you must take stronger measures. We are at a disadvantage, because stock are bought by a speculator, and rushed off to the railway station, and trucked, and we get no chance of checking them, or following up.

570. Have you many cases where it has been reported that stock had been stolen in that way?—I know of one case in particular brought to my notice at Aliwal North, where the police actually discovered stolen stock just being entrained; but officers have mentioned their difficulties in this respect to me.

571. The suggestion you propose would be an amendment of the Cattle Removal Act?—Yes.

572. Have you any further suggestions to make as to amending any other Acts, such as the Brands Registration Act, etc.?—There is the inspection of native locations. The powers given under that Act ought to be very strictly enforced. It would be of great assistance to the police if the inspections were thoroughly carried out. I am referring to private licensed locations.

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573. Cannot the police enter at any time to inspect these locations?—Yes; but we have not the right of supervision.

574. You mean all these private locations should be placed under the supervision of the police?—It would be advantageous from our point of view, but whether it would be considered so by the Native Affairs Department, I do not know.

575. Would you include Municipal Locations as well to be placed under the control of the Cape Police?—No; I think the Cape Police should have a perfect right of entry to any Municipal Location at all times, but I think they should be rather under the supervision of the Municipal Authorities, provided that is thorough.

576. We have had evidence that Municipal Locations are not under good supervision?—I should think that is the general rule.

577. It would be far better and far more advantageously worked if placed under the supervision of the Cape Police?—It is purely a Municipal matter, and there is the question of collecting Municipal revenue. I do not think we should be burdened with that.

578. As far as stock thefts are concerned, you think the Cape Police should be held responsible?—Yes.

579. Is the Brands Act a useful Act?—Yes, I think so, and it is working well.

580. And the Vagrancy Act?—That is very useful indeed.

581. You have no suggestions to make to improve these Acts?—Nothing further than what I said with regard to the question of removal of stock, namely, that there should be greater restrictions in that respect.

582. You are in favour of a proper pass system?—Yes, decidedly so.

583. The stamped pass?—Yes.

584. In your opinion, what punishment do you consider has the best deterrent effect—solitary confinement, lashes, or imprisonment?—I consider the

punishment which has the most effect is spare diet. I do not think imprisonment and lashes are a great deterrent, as there is no disgrace attached to them in the native mind.

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585. Would you not apply lashes to petty thefts?—I do not think the lash is any very great deterrent; I think the only deterrent is to deport them.

586. Are you in favour of deportation after the second or third conviction?—Yes, absolutely.

587. Do you consider your Force strong enough to cope with the evil of stock thefts?—I cannot say it is at the present time.

588. Do you think your Force ought to be increased?—I think we require more men, especially in the Border Districts—Alwal North, Barkly East, Herschel, Dordrecht, Queenstown, Cathcart, etc.

589. What class of men have you in your Force?—We have Colonial born men of both nationalities, men from England with long experience of the Colony, and youngsters, who get their training with us.

590. And natives?—Yes.

591. What class of European do you find most suitable for the work—the Colonial born or the Home born?—I always like to get hold of the Colonial born man, but I find the Englishman, who takes to the work, and likes the country, soon becomes as useful as the Colonial man.

592. As a whole, you would prefer the Colonial then?—I would prefer the Colonial with a leavening of the other class. I think they both do each other good. The man from England helps the Colonial man in a sense, and the Colonial man, of course, we cannot do without.

593. You think you cannot do without either?—In the interests of the Force, I think we should have both, but the Colonial man should predominate. Any man who does not really take an interest in his work, or pick up the language and the ways of the country, should leave us.

594. Are you in favour of your police wearing uniform?—Yes, but I think they should do plain

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clothes duty, as they do at present when necessary.

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595. We have it on evidence that a good many people seem to be opposed to the uniform. They say that the thieves can detect the police a long way off?—There is nothing to prevent their doing duty in plain clothes whenever necessary. If there is no chance of success by going out in uniform, a man should go in plain clothes, but I should not like the police to patrol in plain clothes, as the uniform has a good moral effect. The natives do not know it is a policeman if he is not in uniform, and if they see policemen about it is to some extent a deterrent.

596. What system of patrolling do you encourage? Day or night, or patrolling by road?—Not by road, as a rule. A man should go across country, by paths and so forth, and night patrols are very useful, but sometimes farmers complain that they do not like being disturbed. We have got over that by the police leaving a note at the farm. Some farmers do not wish their servants disturbed, because if they are disturbed too much, they leave, and there is difficulty in getting labour.

597. Do the police detect more thieves by day or by night?—The thieving is so different in different parts of the Colony. On the Borders of Kafirland, and in Herschel, where stock is stolen in large numbers, it is no good going after the thieves at night time, as it would be necessary frequently to "spoor," but for stealing from the kraal, slaughtering, night work is very useful. Where they can run stock in to Basutoland and Kafirland almost at once, we cannot do much at night, except by following.

598. Do you think that a system of heliography would assist the police?—There is no doubt it would. We are working with that on the Border to some extent. It saves a lot of horse-flesh and time; but it would be a big thing to plan out. Anything of that sort would have to be undertaken gradually in each district to see how it works.

599. Do you find farmers, as a whole, are satisfied with the Cape Police?—The reports I have had this year have been decidedly encouraging, and it seems they have been appreciating our efforts. In all cases it is not so. Much depends on the interest taken in the work by the local man in charge. I find that where a man is really trying to do the work thoroughly, the farmers realise that he is trying to do his best. That opens up a very large question as to the system of having small stations dotted about the country. I am not sure that it is a sound system, and I notice that in a similar Committee to this, ten or twelve years ago, Sir John Frost expressed his opinion very strongly that small stations were a mistake. It is best to have men in two or three detachments, these to be always patrolling their districts. We have them more under control under these circumstances, and can get more work done, but at the same time, if we do not have these stations farmers have a grievance, as they have to go such a long way to report.

600. *Mr. Pretorius.*] Do you find many complaints in connection with the native dancing parties?—Yes.

601. Do you give the police orders to stop them?—Yes, those are general orders.

602. *Mr. Hurndall.*] Do you find any stealing amongst the lower white class?—Yes, that is a trouble which is arising. You will have to take into serious consideration the white factor now.

603. Do you find that on the increase?—Yes, undoubtedly.

604. Among the natives, whom do you find worse—Kafirs or Hottentots?—Kafirs.

605. Do you find the women in any way implicated in stock thefts?—There is no doubt that they are frequently implicated.

606. Do you ever get convictions against women, or do you not try to get convictions against women?—The law of evidence is in their favour and the defence is that they acted under the coercion of their husbands.

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Col. M.

B. Robinson, 607. You have never had a conviction?—Yes,
C.M.G., there have been convictions, but I cannot quote
any number.

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608. I think I understood you to say you thought it would be better if the locations were placed under the supervision of the Cape Police?—I think so, from the police point of view.

609. You think the present Location Inspectors not a success?—I think if the Act is to do the good that it ought to, the inspection must be very rigorous. There must be strange stock in these locations at times, and my information is that we rarely have a report from the Native Location Inspector of strange stock being in the location. If we knew at once of that, it would be an immense help.

610. You have been successful with Native Detectives?—I have altered the system since I have been appointed. I do not believe in a Native Detective who is always hanging about a police camp, and is known. You want one who is not known except to the officers who are in charge of the division or to one or two non-commissioned officers, etc. It is rather difficult to get Native Detectives as the other natives make it rather warm for them.

611. I believe you have always employed Kafir detectives?—Principally, not always.

612. With regard to the Cattle Removal Act, you say you are in favour of a permit being granted before stock is removed?—Strongly in favour.

613. You think if the owner of the cattle were to apply to a Police Officer, or a Justice of the Peace for a permit, it would have a good effect?—I should like to add to my former suggestion with regard to a permit being granted by a Justice of the Peace, Field-cornet or a Police Officer, "any other person appointed by Government," so that it might be a land-owner in certain areas.

614. Do you find any forged passes?—Yes, a good deal of that goes on.

615. Do you find the Vagrancy Act effective?—Yes, it is.

616. Has it been put into force?—Yes, it is a very useful Act.

617. Do you think the fencing of farms has any effect in checking stock thefts?—Yes, it would act as a preventive of any large losses.

618. You have not known thieves to cut the wire?—Yes. There is that, but still it is an obstacle, and that is something.

619. Do you think it would be of any advantage in tracing stock if the purchaser of skins and feathers were compelled to take out a licence; an ostrich feather buyer is required by law to take out licence?—Yes, I think that would have a good effect. I think the question of stock thefts is one of the most serious in the country. You have special legislation for the theft of diamonds, and I think stock thefts require special treatment as well.

620. How do your officers obtain their commissions?—From the ranks, and now we have an examination.

621. I believe there is rather a severe educational test at present?—No, it is not a severe educational test.

622. An officer is bound to have a certain amount of education?—Yes.

623. You think the test is not too severe to militate against a good policeman obtaining a commission?—No. The duties are now so varied, and we are called upon to express an opinion on so many things that we must have officers who have had a good sound education.

624. With regard to that case you mentioned, did you get a conviction against those people who trucked stolen stock?—I believe there was, but I left Aliwal North just at that time.

625. *Mr. Rogers.*] I think you stated that you had been thirteen years connected with the police?—Yes.

626. And it is your opinion that stock thieving is on the decrease?—I said I could not express an opinion on that, because I had not had control of the whole of the Cape Police until a year ago. All

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I can say is that during the past year my reports from officers tend to indicate a decrease rather than an increase.

627. You do not think it is on the increase?—No.

628. To what cause do you attribute this decreasing of stock thefts?—It has been a puzzle to us, because we have had a year of drought, and generally it has been a hard year, we cannot account for it.

629. Have you more men in the force now than you had formerly?—No.

630. As a rule how many Divisional Police do you place in a division for its protection?—That varies according to the size of the division. The number varies from 100 men to 25 or 30 men.

631. Do not you think that crime is very small in comparison to the limited extent of supervision?—I would say "Yes" to that.

632. *Mr. Wilmot.*] Would it surprise you to hear that in some districts stock thefts entirely disappear where lashes are given, and that it is the general opinion of farmers in districts I have been in that for petty thefts lashes are absolutely necessary?—It is a matter of opinion, I think.

633. *Chairman.*] What would you principally recommend to this Committee for the purpose of putting down stock thefts whether in the amendment of existing laws, or in the administration of the laws?—I would certainly recommend restrictions for the removal of stock from districts, and specially with regard to the trucking of stock without a permit, and as a deterrent in the way of punishment, deportation after second conviction.

634. Where to, for instance?—Out of the country. There was a case the other day in the Alexandria district in which a man was convicted before the Magistrate, and got three months for "large" stock stealing. He served his three months and came out again, and promptly stole 30 or 35 head. He was arrested again in the King William's Town district, and he practically said that his first sentence was an encouragement to stock stealing. I do

think the Kafir feels spare diet. The lashes are soon over, and I have seen a man rub his back unconcernedly after receiving them, and say to other prisoners "That is what you get for stealing." I think the Cattle Removal Act ought to be made more stringent. I am told that in the Argentine Republic they have a system by which stock thieving is almost impossible. The Railway cannot accept any stock without a permit, and when any are to be shipped, the permits must be produced.

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635. *Mr. Wilmot.*] Complaints are made that the police are to be found more on Railway Stations, and not on the road?—I have just issued an order that the men are not to attend Railway Stations unless specially required.

636. *Mr. Hurndall.*] One witness thought that Clauses 36, 37 and 38 of the Stock Thefts Act should be put in force. Do you think those sections would have any effect?—Yes, if they are permissive at present, I should certainly say they should be compulsory.

637. *Chairman.*] Do you think it is advisable for Government to allow the farmers to reward the police?—If a farmer wishes to make some return it would probably be referred to me, but I do not know whether it would be a good thing to allow it in all cases. I am not in favour of the reward system.

638. With reference to Municipal Locations—in the Midlands where we have very large ones under the supervision of the Municipalities, it is a source of great danger and trouble to farmers as our present police staff is not large enough. We have it on evidence that it would be advisable that every Municipality should enclose its locations with a good fence, and leave only three or four openings. Do you think that would assist the police?—Yes, that would certainly be useful.

639. Have you, as a practical man, any further suggestions to make?—With regard to the principle of stations—we have small stations, many two,

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with three or four men, and my idea is if we had two or three strong detachments, and have them always circulating in the district, it would be a good thing. The complaint is where we have two men at a station, one man is out dealing with the case, and a complaint is made, but the other man cannot leave the station, and that is one reason why I suggest having two or three strong detachments instead; but I do not think the farmers would like it, I believe they prefer having small camps within easy distance of their farms. As a matter of fact we have practically 295 stations. The private Native Locations should have very strict inspection.



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